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A

DEFENCE

OF THE

MEASURES OF THE ADMINISTRATION

OF

THOMAS JEFFERSON.

BY CURTIUS.

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A

DEFENCE, &c.

To the People of the United States.

THE period draws near, when you will be called upon to exercise one of the highest functions with which freemen can be invested.—They alone deserve the name who chuse their own rulers, and through them make their own laws. This is your prerogative! May it long remain so, whatever the infatuation and folly of other nations! And while we pity the low state to which their ignorance and a tyrant's wrongs have reduced them, let us cherish, with the zeal of our fathers, the lofty sentiments of freedom, sealed with their blood.

Devoted to liberty and justice, the history of the world should teach you, as you wish to preserve them, to be jealous and vigilant. It should teach you that rulers are more apt to be tyrants than servants: and that, with whatever sanctity they may declare themselves the friends and guardians of your rights, they are most apt, under this insidious mask, to subvert them by a criminal career of ambition. *It is true*, that they generally flatter to betray you; and that while they are busied in the immolation of liberty, they are loudest in its praise.

As then you value your rights, examine with an unbending severity the conduct of your rulers.—The more important the duties with which a public

character is invested, the more imperious the necessity of a rigid scrutiny. When the station to be filled is the highest in your power to bestow, the duty becomes a sacred one; and you become traitors to yourselves not to discharge it. It is criminal in a man to play the tyrant; but that crime is of the deepest hue which a free people perpetrate by neglecting the means for the preservation of their liberties. The tyrant is hurried on by the fury of his passions; while the people have no inducement under Heaven to abandon their duty. The first may influence the period in which he lives: while the last too often decides for ages the destiny of a nation.

You are called on once in four years to elect your chief magistrate. In the discharge of this duty, at the last period, you raised to that high station a citizen distinguished for the various services rendered to his country. Of manners simple, affable and winning, and with an understanding penetrating and perspicacious, he had long commanded in the wide circle of his friends a respect softened by affection. Even his enemies, notwithstanding their dislike of his political opinions and actions, acknowledged their love for the man. Enured from infancy to the active scenes of life, and called by the exigencies of the revolution to a vigorous participation in its toils, he had, notwithstanding, found time to pursue the researches of a mind attached to philosophical pursuits, and from the action of a sound judgment upon a large stock of acquired materials, had gained a reputation in the literary world.

It is not surprising, therefore, that we find him in the legislature of his own state, then the widest field of action presented by the state of the country, animated by the honest enthusiasm of youth, transcending the dull routine of duty, and laying the

foundations of future greatness and prosperity by devising and recommending plans of great and general utility. Three vast objects appear to have engaged his patriotic efforts; education, religious toleration, and the reform of the criminal code. Like other philanthropists he but in part succeeded. He obtained something to be done to advance the interests of learning; and he lost only by the casting vote of the Speaker a law for mitigating the penal code. On the interesting point of religion his victory was complete; and every man was guaranteed the free exercise of his conscience and religious opinion. But, however imperfect the success of his plans, he sowed seeds in a soil far from incongenial, which have since rewarded all his efforts. He has the satisfaction of beholding the citizens of his native state enjoying every blessing that religious and civil liberty can bestow; sustaining their state institutions with ability, and transfusing their virtues into the several departments of the general government.

Such is the man, whom, four years ago, you called to the head of your affairs. You esteemed him then wise and virtuous; else you would not have placed him at the very altar of your rights.

He was then, however, untried in the discharge of the duties of the first magistracy of a free people; and with all his virtues and talents, he was liable to disappoint the hopes of his country. Has he disappointed these hopes? This is the object of the present enquiry. If he has, it is your duty, whatever pain it may give you, to consign him to the walks of private life.

In order to decide this enquiry, it is necessary to state the duties of a chief magistrate, and to compare with them the measures of Thomas Jefferson.

The duties of the President of the United States are, fortunately for the preservation of our liber-

ties, fixed by a written Constitution. In every other nation on the face of the earth they are but vaguely defined by a dark and shifting prescription, varying with the temper of the times, and the character and views of those who administer the government. Under such systems, if they deserve the name, executive power advances with a step as steady as time, towards its own aggrandisement. By the co-operating influence of force and patronage it gradually saps every mound raised against its encroachment. Accordingly under such governments, liberty is but a shadow, dependent entirely on the sun shine of royal favor. To guard against this great evil, this gravitating principle of political institutions, the constitution of the United States has wisely laid down certain rules so plain that every mind can determine how far they have been observed. Let us, then, on this occasion, resort to them as our unerring guides.

The constitutional duties and powers of the President are :

1. To give to congress, from time to time, information of the state of the union, and to recommend, to their consideration, such measures as he shall judge necessary and expedient.

2. To pass a qualified veto upon the laws.

3. To command in chief the army and navy; and the militia, when in actual service.

4. To appoint all executive and judicial offices, except of a subordinate nature.

5. To make treaties.

6. To take care that the laws be faithfully executed.

And to secure the execution of these duties, and such others as are imposed by the Constitution, he is required to take the following oath of office.

" I do solemnly swear that I will faithfully execute the office of President of the United States,

and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

The first duty is two fold....The President "*shall* from time to time, give to the Congress information of the state of the union....*and* recommend to their consideration, such measures as he shall judge necessary and expedient."

It must not escape notice that both these duties are mandatory; the term used is "*shall*;"....it does not, therefore, rest in the discretion of the Chief Magistrate, to give information or advice, according to any theory of government established in his own mind; but *he shall* give information, and *he shall* recommend such measures as he shall judge necessary and expedient. For one, I do not hesitate to say that I consider the absolute injunction of this duty, so far as it relates to the recommendation of measures, a defect in the Constitution.... It tends unnecessarily to blend legislative and executive power; to give the executive a dangerous agency in the enaction of laws; and to diminish the free will and unprejudiced deliberations of the legislature. But these considerations, however powerful on the mind of the framers of our Constitution, are divested of all their influence when applied to the Magistrate, on whom its execution is devolved. What would be a virtue in the one case, becomes a crime in the other.

The information required by the Constitution has been supplied by the President in a liberal stream. It may confidently be affirmed that the mass laid before Congress during the last four years has not been exceeded, either in interest or magnitude by that furnished during any antecedent equal period. Whatever relates to the interior concerns has, in every instance where its importance justified it, been exposed; and the mysterious obscurity, in

which diplomatic relations are usually involved, has been happily dissipated in an eminent degree. The wishes of the legislature and of the people have, in most instances, been anticipated, and in no case, as under preceding administrations, has a veto been passed upon legislative requisitions. In some few cases, it is true, complaints have been made that the public were not duly informed of passing or impending events; but in all these cases, it has afterwards manifestly appeared that the government had withheld no information, whose communication would not have done more injury than good.

It is, perhaps, to be regretted that there is no regular official journal published of executive acts. Were such a journal published, at periods however remote from the occurrences recorded, it would ultimately afford more correct means of judging of the conduct of the cabinet, and thereby produce a more rigorous responsibility to public opinion, than at present exist. But until provision is made for this, we must expect, from the nature of executive acts, some degree of obscurity to envelope the grounds on which they were taken.

Considering the peculiar circumstances, under which the present Chief Magistrate came into office, the people had a right to expect from him a full and habitual disclosure of his measures, and the motives which dictated them, so far as either could tend to promote the public good. An omission by his predecessor, to make such a disclosure, was one of the grounds on which he was ejected from power, and the belief that Mr. Jefferson would evince a contrary course unquestionably conspired with other expectations, to insure his election.

The responsibility of all public men to public opinion is an essential feature of the republican creed, and it is manifest, that all responsibility, to a

body not possessed of the means of forming an enlightened decision, must be ideal. To give a salutary vigor to this principle, a full disclosure of the state of the treasury, of every description of public burthen from the greatest to the least, of all compensations, fixed by law or ascertained by executive agents, has been statedly made; together with ample details elucidating the situation of every establishment under the government. Even the sacred ground of patronage, so prudently veiled in darkness by most governments, has been opened to the view of the nation, and the rewards of favorites, if such there are, nakedly exhibited.

A momentary clamour has been raised at the alleged suppression of information on two subjects of very various importance;—the repairs of the Berceau; and the negociations respecting Louisiana. But time, by dissipating the obscurity attending these events has proved that the first was a link in the chain of amity that now so happily unites us with the most powerful nation of the world; and that the secrecy attending the Louisiana negociations was directly, perhaps inseparably connected with the success that crowned the final result. For had the pending steps been at the time avowed, there is every reason to think that injurious delays and obstacles, altogether frustrative of the possession of that territory, would have been interposed by rival nations. England, accustomed to interfere in whatever related to France, would have scarcely suffered such an occasion to pass without improving it to the promotion of her own interest, either directly by benefitting herself or injuring her rival; and Spain would too probably have exerted every nerve to avert a measure, which, it is known, she deprecates, however erroneously, as unfriendly to her power in this part of the world.

In the discharge then of this constitutional duty, we contemplate in the measures of the executive, a devotion to the republican principle of giving the fullest information to the people, unalloyed with the imprudent length to which an impolitic extension of even sound principles is too apt to be carried by enthusiasts.

The other branch of this duty, is the recommendation to Congress of such measures as he shall judge necessary and expedient.

We have seen that this is not a power, which the President may or may not, but one, which the constitution expressly declares he *shall* exercise. Under this constitutional injunction, sanctioned by an oath of office peculiarly solicitous of engaging the utmost efforts of the chief magistrate in its preservation, he has recommended to the consideration of Congress several measures. It is unnecessary at this time to enumerate any but those of considerable importance.

In his address to the seventh Congress, at the opening of their first session, he says, " Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption, in a ratio far beyond that of population alone ; and though the changes in foreign relations, now taking place so desirably for the whole world, may for a season affect this branch of revenue, yet, weighing all probabilities of expence, as well as of income, there is reasonable ground of confidence, that we may now safely dispense with all the internal taxes, comprehending excises, stamps, auctions, licences, carriages and refined sugars ; to which the postage on newspapers may be added to facilitate the progress of information ; and that the remaining sources of revenue will be sufficient to provide for the support of government, to pay the interests of the public debts, and to discharge the principals in shorter periods

than the laws, or the general expectation had contemplated. War, indeed, and untoward events may change this prospect of things, and call for expences which the imposts could not meet. But sound principles will not justify our taxing the industry of our fellow citizens to accumulate treasure for wars to happen we know not when, and which might not perhaps happen, but from the temptations offered by that treasure—These views, however, of reducing our burthens are formed on the expectation that a sensible, and at the same time, a salutary reduction may take place in our habitual expenditures. For this purpose, those of the civil government, the army and navy, will need revisal."

In the same communication, the President invites the attention of Congress, without expressing any opinion, to the revision of the Judiciary establishment.

These two objects are those which have, in the greatest degree, divided public opinion. The propriety of the measures adopted by Congress in relation to them will, in its proper place, be distinctly discussed. They are merely mentioned in this place as forming part of the measures suggested or recommended by the President, in order that the whole may be presented to the view of the reader. Besides these, he has, in his several communications, attracted the attention of the legislature to the following topics.

He has recommended—

A retrenchment of unnecessary expence,

An abolition of useless offices,

An adherence to specific appropriations,

A reduction of the army,

An impartial selection of jurors,

A revisal of the naturalization laws,

A faithful payment of the interest, and a prompt discharge of the principal of the public debt,

Unceasing efforts to perfect the militia,
The establishment of a Dry Dock.

The nature of the Executive duties of a great nation is such as not to admit of discharge by one man. They are so various and extensive that the exertions of an individual, however splendid or mighty, are inadequate to the task of fulfilling them. Although, therefore, the theory of the government vests in the President the whole Executive power, qualified in some instances by the advice and consent of the Senate, yet it is no less manifest, from the legal provisions established than from the reason of the thing, that a division of power was contemplated among subordinate agents. Hence the establishment of four great departments, each possessed of a supreme control over a circumscribed sphere of delegated powers. The government was no sooner put into operation than laws passed establishing the departments of State, of the Treasury, and of War; and as soon as the public exigencies required a Navy, a law was passed establishing the Navy department.

At the head of each of these departments the President was required, with the approbation of the Senate, to place an individual, whose continuance in office should depend upon his pleasure. Laws passed from time to time, defined the duties, as well of these officers, as of those placed under them. These laws were, in several cases, so many limitations of the Executive power of the Chief Magistrate. They devolved specific duties upon subordinate agents, and left only to him a general superintendance, divested of all discretion. Even the responsibility of appointing proper officers is divided with the Senate, who are possessed of the right of rejecting any candidates offered by the President; as instances may occur, and probably have occurred, in which names have been pro-

posed by him, as much from a knowledge that they would be acceptable to that body, as from his own estimation of their qualifications.

It is not the object of these remarks to derogate from the responsibility of the President. It cannot be denied that his powers are vast, and, of consequence, that he should be held under a rigid responsibility. It is only meant to shew that this responsibility is not absolute; and that all the measures of the Executive government, in their various details, are not to be considered as his. It is true, however, although he does not possess an absolute control over the acts of subordinate agents, he yet does possess the efficient power of removal, and of thus preventing a continuance, though he may not have been able to prevent the first occurrence of misconduct.

It is apparent, from this feature of the government, that much depends upon the character of the men called upon to fill offices, and particularly of those on whom are devolved the superintendance of the four great departments. To the Secretary of State, is immediately committed the conduct of foreign relations, on which the peace and commercial prosperity of the nation depend; to the Secretary of the Treasury is committed the management of the whole resources of the government; and to the Secretaries of War and Navy are committed all the duties attached to those mighty engines of national defence. Besides the distinct discharge of these great duties, these high officers, in conjunction with the Attorney General as members of the Cabinet, are called upon to advise the President in all cases of great moment, and to co-operate in the taking effectual measures in every interesting crisis of affairs. From these considerations, the formation of a ministry has been deemed under all governments a work of the greatest delicacy and difficulty; and so arduous as to have been reputed

a criterion of the talents of the man at the head of public affairs. In proportion to the freedom of the government, does this difficulty increase; for, under free governments, it is not only necessary that men of talents should be appointed, but likewise that they should enjoy the confidence of the people, without whose hearty co-operation it is impossible for such a government to be efficient or respected.

When, therefore, the present Chief Magistrate assumed the reigns of government it was with no misapplied solicitude, that the nation looked forward to the designation of these great officers of state. Madison was called to preside over the department of State, Gallatin over the Finances, Dearborn over the War Department, and Smith over that of the Navy; while Lincoln was named Attorney General.

All these men entered office with pure hands, and with a reputation for personal worth, which even suspicion had not dared to impeach. All of them had acted a conspicuous part in the public concerns, and had thus exposed themselves to the severe ordeal of party. During the whole of this fiery trial, inflamed by the rancour and malice of party, however prodigal the reproach cast upon their public conduct, no one laid to their door a single act derogatory of the purest integrity. Men, neither affluent or poor, their deportment was equally free from the arrogance of wealth, or the meanness of poverty. From the humble ground of unassuming citizenship, they had risen to the first distinctions in their respective states by the exertions of their own talents. It is not surprising that the nation, with conspicuous joy, welcomed the induction of such men into office.

It will not be unprofitable to dwell a few moments more on this branch of our subject.

Of all the duties assigned to executive agents those attached to the department of state are the most important. From their peculiar nature they require a mind, not only of the first lustre, but likewise one regulated by habitual prudence. He who discharges them should, moreover, be possessed of the public confidence. A man, more eminently combining these qualifications, was not, perhaps, to be found than Madison. Devoted from his earliest years to the public service he had diligently improved his time by mingling the exercises of the closet with active duties. Unfettered by any profession, and regardless of wealth, the whole vigor of a mind, imbued with great natural acuteness, had been uninterruptedly directed to political researches. Having occupied, for several years, a seat in the old Congress, he was named by his native state a member of the illustrious body that formed the Constitution, under which we now live. In this body, in which many distinguished men were satisfied with the silent co-operation of voting, Madison outstripped all competition. The splendor of this triumph can only be appreciated by recollecting that among his coadjutors were, a Franklin, a Hamilton, a Wilson, a King, and a Dickinson. This superiority arose, no less from the penetration of his genius, the soundness of his judgement and the extensiveness of his information, than from the candor of his mind and the conciliation of his temper. These attainments earned him a leading agency in the formation of the Constitution, a greater part of which is ascribed to him than to any other member of the body.

It will be recollected that when this constitution appeared it received violent opposition. Among those who met and repelled this opposition Madison was the foremost. His pen and his voice were actively engaged in its defence. In his own state,

he had to contend with the thunder of the most eloquent man of America, supported as it was feared, by a majority of the Convention. The instrument was not without imperfections; they were pointed out; and he had not only the magnanimity to acknowledge, but the patriotism to engage, as far as his influence extended, to have them removed by amendments. Virginia ratified the constitution; as did the necessary number of states. It went into operation. Madison not unmindful of his promise, proposed and carried many of the most important amendments called for by the correct jealousy of the friends of liberty.

After effecting this great object, he participated in all the leading arrangements of the government. The time soon came in which the spirit of party, and with it the spirit of persecution, entered the legislature. He met it at its first onset; and however unable to subdue, he resisted the excesses to which it led. The memorable alien and sedition acts, and the British treaty, found no where a more enlightened or vigorous opponent. Such, however, was the infatuation of those days, that his great efforts, and those of his co-patriots were fruitless; and ambition menaced, by daring steps, the subversion of liberty. He retired from a body unworthy of his virtues and talents; resolved to make one more effort, through the medium of the states, to arrest the impending danger. Every one remembers the celebrated report and resolutions of the Virginia legislature, on the measures of the general government. They are a monument of profound talent and exalted moderation, of firmness tempered by mildness. They excite no turbulent passion, they awaken no narrow prejudice; but dispassionately address the understanding and subdue it by the force of argument and truth.—This was the production of Madison.

—Its effects were astonishing : and it is no unjust derogation from the splendid performances that at that period irradiated public opinion, to say this was the most luminous. Having discharged this duty he retired to the tranquil scenes of contemplative and rural life ; when the voice of friendship, and the dawn of a new political era called him to a more extensive sphere of usefulness. How he has discharged the duties of his station, will soon appear.

Albert Gallatin was named Secretary of the Treasury. The duties of this station are in some respects scarcely secondary, while in others they are superior to those attached to the Department of State. By the laws establishing the office, the Secretary is required not only to superintend the collection and disbursement of the revenue, but likewise to present such new, or alterations in existing plans, as the public good requires. It will be perceived that this requires a comprehensive knowledge of the resources of the country, united with habits of close application ; and in addition to this rare union of qualities a stern integrity. In a government whose chief resource depends upon trade, which itself depends upon our relative situation with the European world, it is essential that the Secretary should superadd to these attainments, a sufficient knowledge of foreign powers, to anticipate the arrangements likely to be adopted by them and their effects upon the United States. For the discharge of these high and complicated duties the President named Albert Gallatin.

This gentleman, it is well known, was born in a foreign land ; but it is likewise known that the air he there inhaled was that of liberty. The republic, in whose bosom he was educated, had, for ages, been no less distinguished by the justice of its laws, than the equality of its citizens. Uncon-

taminated by the avaricious passions of trade, the powers of the human mind sought the proud distinctions of science and refined art. Hence this little spot not only rivalled, but surpassed the fame of those small states, which, animated by a Grecian spirit, atchieved those prodigies of valor which were deemed by surrounding nations miraculous. There was, however, this difference between them. While the states of Greece exhausted their energies in invading the rights of others, the Swiss Cantons exerted theirs in defending their own. The one therefore, was as much the terror as the other was the admiration of the world.

This was the school in which Gallatin was bred. It was here, that his earliest impressions inspired him with a love of liberty, instructed him in the subordinate estimation in which a virtuous mind should hold wealth, and taught him the value of industrious habits, as the only guardian of independence and true greatness. These were the instructions that prepared the *youth* for usefulness. At an early period, he was animated by the feelings and views of the *man*—These at the age of nineteen, before he had formed any political or interested associations, offered to him the new world as a nobler sphere for those intellectual powers, of which he could not have been intirely unconscious. Perhaps, with prophetic sagacity, he pierced the dark cloud that hung over his country, and foresaw its liberty and happiness a prey to foreign violence. Be this, as it may, the first act of manhood was an exchange of his native country for the United States. Here, he was the plain, laborious, and inoffensive citizen. He successively instructed youth, bore arms, and cultivated the soil. No man impeached the regularity of his life, his honesty or his morals. He did not live a stranger among us. He immediately became a citizen, took the oath of

allegiance, and married an American wife. At this period of his life, it does not appear that any ambitious views agitated his bosom. Like those around him, he enjoyed, in contentment, peace, liberty and happiness.

His talents, however, could not be concealed. His neighbours marked them, and in the year '89, or '90, he was sent by his fellow-citizens to the convention that formed a new constitution for the state of Pennsylvania. It would appear, from his modesty and silence in this body, that a public station had been little in his thoughts; else he would have courted distinction by a more active participation of its duties. But neither in the records of that body, or co-temporaneous recollection, are any traces to be found of a discharge of more than the ordinary duties of a member. His advice may have enlightened its deliberations, but if so, it was imparted in privacy and silence, and ministered to swell the fame of some less unostentatious legislator.

In the next, and for several succeeding years, he occupied a seat in the legislature of Pennsylvania. The period was troubled with the storms of party; and no man, not even himself, had escaped its rage. He entered the legislature, the predestined victim of an intolerant majority. It was impiously sworn, that if he dared to disturb the views of the dominant faction, he should be humbled; and such was the barbarous fury of the times, that one member, no less distinguished for his federalism than his private immoralities and pugilistic powers, doomed him to an early vengeance.

He took his seat, apparently regardless of the hostility that surrounded him. His principles were not the offspring of a temporising or a timid policy. The path of duty lay plainly exposed to his view;

and his purpose was to pursue it. Without, therefore, making any unnecessary and ostentatious professions of his faith, or invidious reflections upon the professions of others, he delivered his opinions with a simplicity and candor that disarmed hostility ; while the strength of his arguments, and the variety and appositeness of his information insensibly and irresistibly produced a general conviction. An empty treasury, and a dilapidated state of the finances, required research and labor. He applied himself to their illucidation, with a vigor that soon dissipated the chaos in which a defaulting officer had involved them. Political attachment had united him to this officer. But with a virtue, not unworthy of the Roman school, he impeached, and ejected him from office. For this, there were those who called him cruel ; but friendship had no claims on him that were not founded in virtue.

After this bright display of integrity and talent, his enemies united with his friends to raise him to the senate of the United States; exhibiting in this act, a rare, and almost an unprecedented triumph of principle over prejudice. Here he found himself in the strong holds of federalism. That body, at that time concealed in darkness, had asserted a daring irresponsibility to public opinion. Gallatin, impressed with the power of truth and reason, did not abandon himself to an inglorious ease. Here too, however unpromising the state of affairs, he did his duty, and in the short time, during which he was a member, carried dismay into the ranks of his opponents. He did not shake the leaders of party, but he shook those honest easy souls, who had hitherto upheld their power ; and he surprised no less his friends than his enemies by actually carrying some important points. It was this alarm that dictated his exclusion from the body. It was

pretended that he was not qualified to hold a seat ; a majority declared the pretence valid ; and he was excluded.

These unworthy measures of his opponents only served, by rendering his talents more conspicuous, to increase his popularity : and he was, at the ensuing election chosen a member of the house of representatives of the United States. He here found a field for the display of all his powers; and he displayed them in a manner that placed their depth and variety beyond the reach of question. He opposed the adoption of the British treaty and upheld the memorable call for papers : he opposed the alien and sedition bills ; he supported the enquiry into the conduct of Mr. Adams, in the case of Jonathan Robbins ; he opposed the prodigal expenditures of the government ; and above all, he opposed the rash measures that pointed to war. On these several occasions, he was generally unsuccessful in frustrating the measures proposed by the administration. The most sanguine mind could not flatter itself with this triumph. But, what was of infinitely greater consequence, he succeeded in awakening the public mind, in illuminating it, and in eventually accomplishing the great revolution atchieved in public opinion. His speeches on the above great constitutional questions were read by the nation. In diction they were perspicuous and easy of apprehension, in style temperate and exempt from all personal allusion, in argument profound, in fact various and instructive. Attacked with fury by violent partisans, eager to crush him, he, on no occasion, suffered the calmness of his judgment and his respect for the body he addressed to be disturbed by the fiery abullitions of the Daytons, the Harpers, and the Sedgwicks of the day. He did not content himself with opposing the leading mea-

sures of the administration; like a good citizen he gave a helping hand even to his enemies. No man in congress so well understood the principles of finance, and no one was better acquainted with the national resources and wants in all their details. He assisted the formation of correct plans, and exposed errors whose effects might have been no less injurious to the reputation of the administration than it was to the welfare of his country. To him we are indebted for the existing system for the sale of public lands. Secretary Hamilton proposed opening the land office on low terms. It is believed his idea was to sell the public lands at 25 cents an acre. The effect of this plan would have been the immediate monopoly of the public lands by a few leviathan speculators, and a scene of speculation more extensive, and of course more injurious, than all the pre-existing sources of speculation taken together. Gallatin arrested this portentous evil by obtaining the sanction of congress to the present plan; under which the *minimum* price of land is fixed at two dollars an acre. By comparing the present state of things, with that which would have existed under the system of Mr. Hamilton, had it prevailed, we may form an incompetent idea of the evils that have been averted; and by estimating the gain derived from the sale of lands for two dollars, instead of twenty-five cents, we shall perceive the extent of the national advantage, when we recollect that the unlocated territory of the United States is computed at five hundred millions of acres.

These are the talents, and these the services which recommended and justified the elevation of Gallatin.

With the public career of General *Dearborn*, we do not profess to be intimately acquainted. We know, however, that he was a warm and efficient

advocate of the revolution ; that during the whole of its vicissitudes, he was actively engaged in the councils or the armies of the country ; and that he invariably sustained the character of a brave and able officer. For several years previous to the presidency of Mr. Jefferson, he was a member of the House of Representatives ; in which he took a distinguished lead in all the military arrangements. He has been without intermission, the decided whig, the firm republican, and the strenuous adversary of all invasions of liberty. Possessed of a spirit, that disdains to yield to circumstances, he never wavered in his political faith, even in the days of the greatest infatuation. But his manliness was tempered with a moderation that, while it asserted its own rights, left undisturbed the rights of others. Quick in his perceptions, and prompt in his decisions, he had been long considered as the man of business, and, of consequence, so far eminently qualified for the discharge of duties not admitting of delay.

The appointment of the head of the Navy Department produced considerable difficulty. It was successively offered to three citizens, respected for their talents, whose declension evinced the disinterestedness of their patriotism. *Robert Smith* was, at length, named.

This citizen had distinguished himself by his talents as a lawyer and a legislator. In the city of Baltimore, the seat of great commerce and wealth, he had early gained an equal eminence with any member of the bar, and had by the reputation of talent and integrity, raised himself above the frowns of fortune. Notwithstanding, however, the laborious duties of his profession, he had, for several years, accepted a seat in the legislature of Maryland. During the greater part of this period, he was in the minority; and although the period was

marked with unusual violence on the side of the dominant party, he manifested a dignity and moderation that earned the esteem even of his opponents. It is true, that this moderation was shielded by spirit, and that while he scrupulously respected the feelings of others, he compelled others to respect his own. No man, perhaps, had a more powerful agency in accomplishing the revolution in public opinion which took place about the period of the presidential election. To powers of mind highly cultivated by study, he added habits of the closest application, with which he united manners of the greatest urbanity and politeness.

Levi Lincoln, a citizen of Massachusetts, was appointed Attorney General. This gentleman had just received an evidence of the confidence of his fellow-citizens, by an election as their representative in Congress. The short period, during which he held his seat, had not admitted of a developement of his talents. But he entered the body with the reputation of eminent talents. The competence acquired by his legal labors, proved the estimation in which they were held in a state distinguished by an eminent bar. Without invidious comparison, he had long stood along side of a Parsons and a Sullivan. These qualifications for the first legal officer of the government, were crowned by manners the most simple, and a disposition the mildest that ever fell to the lot of man.—The spirit of liberty and reform often inspires the heart with austerity; in the heart of this man the purest philanthropy was mingled with the sweetest amenity.

Such was the administration, which the chief magistrate formed as the depository of his confidence, and as worthy to guide the great departments of the Republic. On a late occasion Mr. Nicholson, on the floor of the House of Represen-

tatives, has pronounced this the *strongest administration in the world.* How far this is the award of truth, the review of the proceedings of the government, which we are about to commence, will shew.

It is sufficient, for our present purpose, to have sketched the characters and prominent services of the members of the cabinet, when they came into office. By this inadequate delineation, it will appear, that the motives which guided the President in the selection were pure, patriotic and enlightened. There is not a better criterion of true greatness, than the nomination by the chief executive magistrate of the high officers of state; and when these officers necessarily become his confidential friends, accessible to him at all times, and on all occasions, and thus become observers of his frailties as well as his accomplishments, the ordeal becomes still more decisive. If he appoint men of loose morals his own virtues become questionable; and if he appoint men of feeble minds, it may be permitted to doubt his talents or patriotism; talents which can alone enable him to discern the merit of others, and patriotism which can alone impel him to divide the government with men of sense.

Mr. Jefferson composed his cabinet of men of unsuspected virtue, and of acknowledged talents. In this act he presented the nation with the strongest pledge of his determination to be directed by an upright policy, and to call to his aid the best talents of the country. Had he been prompted by the jealousy of a grovelling mind, he would have surrounded himself with men of moderate powers and of plastic tempers. Then he would have enjoyed the distinction of wielding the government alone; and might have governed with an absolute sway. But, above the petty ambition of tyrants, with his eyes fixed on the public welfare, he called to his

aid men incapable of seduction, or of sacrificing their independence.

In reviewing the measures of the administration we shall divide them according to their connection with the great departments of the government. By this course we shall be enabled to make some approaches to system, and to assign responsibility its proper limits.

Before we proceed to this enquiry, it is necessary to take a short view of the distribution of powers under the constitution, which appears in the discussions of the day, to have been entirely lost sight of, and which it is essentially necessary to understand to avoid running into error in the estimates made of executive conduct.

The constitution establishes three great departments of power, the legislative, executive and judicial. Congress constitute the first, the President the second, and the judges the last. In the discharge of judicial functions the President does not, in the least, co-operate, except so far as to nominate the judges. In those of legislation he has a qualified agency. In the formation of treaties this agency is only limited by the will of the Senate; but in the enaction of laws it is extremely circumscribed. It is limited to a simple negative, which is unavailing in case two thirds of each House repass a bill. In Congress laws are initiated; there all their details are examined. That body is constituted for this express, and almost exclusive object. One of its branches is chosen directly by the people every two years, while the other is the representative of the states. From these considerations, there can be no doubt that the responsibility of making good laws was intended by the constitution to reside in Congress. Was it likewise the intention of that instrument that the chief magistrate should share it with them?

To a certain extent, it certainly was; but to what extent is not so certain. The theory of the British constitution, which appears to have been steadily in the contemplation of the Convention, vests this power, without any qualification, in the king. Yet that magistrate, notwithstanding the monarchical structure of the government, and the little respect paid to public opinion, has waved the exercise of it for more than a century. It may be said that the President has stronger claims to participate in the enaction of laws than the king, from his being elected by the people; but to this it is a sufficient answer to say, that it is inadmissible in a republic, to consider one man, for the enaction of laws, as faithful a representative as many men, brought from every section of the union; and further, that the British Parliament, composed of an hereditary house of lords, and a house of commons, which have long since ceased to represent the people, cannot be considered as filling the same political sphere with an American Congress; inasmuch as the latter is the *bona fide* representative of the people and the states; while the former is little more than an aristocratic association. If, therefore, under such a government, experience has evinced the danger and impolicy of interposing the executive veto; how much more dangerous and impolitic would its exercise be likely to be in frustration of the decided will of the nation, expressed through their immediate representatives.

It will not be concealed that the constitution requires the *approbation* of the President to every bill before it becomes a law. "*If he* APPROVE, *he shall sign it.*" It is absolutely necessary, then, that he should approve before he signs a bill; it follows that if he disapprove a bill he shall not sign it. Of what nature are we then to consider this approbation?

It may be assumed as certain that the same unqualified approbation is not implied as by the legislative body. The latter are called upon to pursue bills into all their details, to accept or reject different parts, and to introduce whatever modification they think proper. The former is only permitted to approve or reject, in the whole, without the power of suggesting any amendment. Farther—before a bill can be submitted to him, it must have received the approbation of both branches of the legislature, the representatives of the people and of the states. When, therefore, a bill, under these circumstances is submitted to him, it is apparent that the case is essentially varied from that which existed during its progress through the legislature. All enquiry into its details arising from the desire of improving them is foreclosed. The opinion of the legislature, virtually that of the people, is declared in its favor. It only remains to the President to decide whether, under these circumstances, the public good may be promoted or injured by his approbation. The bill may be unwise or imperfect; and yet the public good be subserved by suffering it to go into effect. It may be advisable that the experiment should be tried, and the public profit by their own errors. But paramount to these motives to forbearance, the chief magistrate, if sincerely devoted to republican institutions, will feel the necessity of restraining a disposition to array his own individual opinion in hostility to that of the nation, as conveyed through their peculiar organs of legislation. He will habitually distrust the suggestions of his own mind when opposed to their will. While, therefore, he will not hesitate to exert the high prerogative, with which he is invested, on great occasions, in which the voice of duty is loud and commanding, and in which the public good unequivocally

requires it, he will, with cautious wisdom, forego its exercise on all other occasions.

His legislative responsibility will, therefore, lie in a narrow compass; it will depend upon the single consideration whether, under all the circumstances attending the proposition of laws submitted to him, the public welfare will be promoted by his sanction.

This view has been taken for the purpose of separating the *legislative* from the *executive* responsibility of the government. It is no less incorrect, than it is common, to consider the executive responsible for all the acts of the government. However this opinion may prevail among the friends of a monarchical system, it is not the less a heresy under ours. As neither the legislative or judicial departments are responsible for the acts of the executive department, so neither is the executive answerable for theirs. The constitution forbids the President, except in the prescribed orbit we have delineated, or by advice given to Congress, to interfere with the powers of the legislature. No less is all such interference forbidden by the jealous independence with which every public agent, equally with every private citizen, is in this country accustomed to assert his rights. No doubt can be entertained, that under the joint influence of these considerations, the chief magistrate, who should attempt to usurp the legislative power either by direct or indirect means, would soon learn that the high power of impeachment was not fruitlessly reposed in the legislature. It is not then true, that the President is absolutely responsible for all the legislative acts passed during his administration. The probability is that many of these acts are such as he, in the character of a legislator or a citizen, would never have assented to.

Among these acts are two of the first importance; the judiciary act, and the amendment to the constitution; neither of which were recommended, or even suggested by the President. It will be most regular to consider these measures, in this place, as they do not properly fall under either of the great provisions we have proposed; and as they have little, if any necessary connection with executive duties.

On no occasions, perhaps, has there been a more daring spirit of falsehood than on these. Both these measures have, without the least reason, been ascribed to the President. Whereas, the truth is, that in his official capacity, he has not, and could not even notice the one; and has no otherwise noticed the other than by giving his assent to a bill previously passed by the two Houses. Nor has any proof of his private opinions, on either of these points, transpired to this day. Even that ardor of mind, so apt in the estimation of his enemies to betray him into an imprudent exposure of his opinions, has not furnished occasion for a solitary charge. By a bold assumption, that, inasmuch as his general politics coincided with those of the legislature who devised these measures, he must therefore be considered as friendly to them, and being friendly to them, must be considered as their author, an attempt has been made to make him pre-eminently responsible for all their effects. Thus does party fury, as blind as headstrong, without discrimination seek its victim, and having once marked him, hunt him to destruction, not for sins actually committed by him, but for all the sins committed by others.

It is true that the *general* subject of the judiciary was recommended, in the first message, to the attention of Congress. But in what terms? Not in those of hostility to the new system; but in the following dispassionate language:

"The judiciary system of the United States, says the President, and especially that portion of it recently erected, will *of course* present itself to the contemplation of Congress; and that they may be able to judge of the porportion which the institution bears to the business it has to perform, I have caused to be procured from the several states, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought in to their aid."

No opinion is expressed of the origin or the tendencies of the new judiciary system; information only is given on this, as on a variety of other objects viz. on the receipts of the several taxes, their application to the various objects designated by law; on the state of the militia: on our foreign relations; on our naval strength; on the establishment of the mint; on fortifications, and many other objects. As well might it be inferred that from the mere exhibition of the situation of the various establishments of the government, the President intimated the propriety of their destruction or radical modification, as that, by this information, relative to the judiciary, he intended to inculcate the expediency of repealing the act of 1800. As his conduct is similar in all these cases, it is but just to ascribe to him a common motive applicable to them all. The constitution expressly *commanding* him to "give to Congress information of the state of the union" —and "to recommend to their consideration such measures as he shall judge necessary and expedient;" assigns two distinct and separable duties.— In relation to the judiciary, he discharged the one uninterwoven with the other.

In other cases where he judged certain measures necessary and expedient, he did not scruple to de-

clare his opinion, as in the case of the internal taxes, and the retrenchment of numerous sources of expence; thus evincing to every correct mind, capable of deducing a sound inference, that as on points where he expreessed an opinion, he wished that opinion to operate as a recommendation; so on points where no opinion was expressed, he deliberately withheld all recommendation.

This measure must then be considered as purely *legislative* in its origin, as well as nature; and of consequence, Congress, and not the President, are responsible for it.

It is not the object of these remarks to supercede the necessity of its investigation. Viewed as a great question of policy, destined, according to its solution, to have a leading agency in its effects on the public welfare, it becomes the duty of every intelligent citizen to understand it. This shall be our apology, for dwelling on it a few minutes longer.

In reviewing the voluminous discussions to which the repealing law gave rise, we perceive a mixed mass of eloquence, of party animadversion, and of argument. Being the first important debate, after the change of the administration, it was seized as the occasion of contrasting, in all their features of dissimilitude, the two hostile parties. The minority, unaccustomed to submission, resolved to make a desperate effort to regain their power; and fancied they saw in this measure the means.—This accounts for this heterogeneous mixture; for which, however, another reason may be assigned. No class of men are less competent to the discussion of great questions of policy than lawyers. In the habit of testing all contested points by *precedent*, they rarely bend the powers of their mind to the developement of *principle*. Looking out of their own minds for every thing, it is not strange that

they gradually sink into the vehicles of the ideas of others. Their faith insensibly, like that of the church, in proportion as it distrusts its own powers, clings to that of the saints. It may be added that the routine of their duties, by exhausting their capacity on little things, necessarily disqualifies them from taking those inlarged views which national legislation demands. Of this description of men the minority was principally composed. We are not, therefore, surprised at minds thus feeble, instead of courting the distinction of a strong, plain, and concise view of the subject, endeavoring to develope it by a mass of inapplicable precedents, of crude opinions, and fanciful analogies.

Notwithstanding the volumes written upon this subject, it is apprehended that its merits lie in a narrow compass. Two views have been taken of it, and it is capable of no other. *Is it constitutional?* and is it *expedient?* Its justification required that it should be both.

Is it constitutional?

It is allowed on all hands, that Congress possessed the power of modifying, at pleasure, the existing judiciary laws, so far as they regarded the duties of the judges. The first words of the Constitution declare that "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."—The power is unlimited.

A subsequent section says "Congress *shall have power* to constitute tribunals inferior to the supreme court."

The language is not imperative. They may, or may not, exercise it.

A subsequent section gives the further power, "to make all laws which shall be necessary and proper for carrying into execution the foregoing

powers, and all other powers vested by this Constitution in the government of the United States, or in any department or office thereof."

On this point, therefore, the legislative power is perfect, and commands as well details, as general principles. The tribunals, inferior to the supreme court are the creatures of legislation; as without legislation they could not have existed. The duties of those who fill them are defined by law. They may, by law, be increased or diminished. To their augmentation there is a constitutional limit; but there is none to their diminution. There is no portion of the power, thus vested by law, that may not by law be divested. If every portion of power may be taken away, then may the whole be taken away, which is but the aggregate of the parts. In such an event there can be but two results. Either the office of a judge is abolished, or it remains without duties. If abolished, by these means, which are, as we have seen, strictly constitutional, there is an end of the discussion. If it be not, by these means, abolished, it follows that the office remains without the judge having any duties to perform. On this point, as if its occurrence had been foreseen by the Constitution, it speaks an explicit language, and at once crushes the absurdity, by declaring that "the judges shall hold their offices during *good behaviour*, AND shall, at stated times, receive for *their services*, a compensation, which shall not be diminished during their continuance in office."

Thus does the constitution render inseparable the tenure of office with the rendering services, and the rendering services with receiving a compensation. The union is indissoluble. If there are no services, there can be no compensation.

If the *alleged* officer is divested of duties, which

is an equivalent term for services, and of compensation, what remains?

It is no mean confirmation of this reasoning, that congress are made the constitutional judges of the services rendered, by that article of the constitution, which provides that "no money shall be drawn from the treasury, but in consequence of *appropriations made by law*." By this provision and the antecedent one requiring service, congress are prohibited from giving a cent to a judge except for his services.

It may be said that this is an *indirect* way of abolishing the office. Let this, for the sake of argument, be granted. It cannot be doubted that the power, *indirectly* to abolish, by taking away by piece meal the parts which compose the office, until nothing remains, involves the power of *direct* abolition, which is no more than doing that, by one legislative act, passed at one point of time, which, in the other case, was accomplished by several acts, passed at different times.

Other arguments in favor of the constitutionality of the repealing act were adduced; but this, of itself, is sufficient. In natural science, it has become a standing rule that no more causes shall be assigned than are sufficient to account for particular effects; it would be well if this fundamental rule were applied to moral disquisition. It would probably free it from much of the ambiguity in which it is at present involved; and it would certainly save much time at present unprofitably spent.

It is not a little extraordinary, notwithstanding the use made of the term, that the word "independence," as applicable to the judiciary, is not to be found in the constitution. That wise system, so far from countenancing the independence of any public agents, legislative, executive, or judicial,

has provided the most efficient checks to make them all dependent. By declaring that the judge shall hold his office during good behaviour, it has made him independent of the executive; but that circumstance, so far from creating a claim to legislative independence, really produces a necessity in several cases for legislative interference.

This consideration presents a great question, not on the constitutionality of the power exercised by congress, but on its expedi ncy. Many of the most important laws passed by congress require the aid of the judiciary to carry them into effect. We all know that the judges have assumed the power of pronouncing laws unconstitutional; and of refusing to execute them. Such laws may be of vast importance. They may affect the lives and properties of citizens, and may implicate the peace of the nation. Opinion may be divided on them. A great majority of congress, the president, and the people may consider them constitutional; the judges alone may pronounce them unconstitutional. It is as probable, nay more probable that the judges should err on this point, than the legislature, elected for the special purpose of passing laws. Their decision, supported by that of another department of the government, and by the people, greatly multiplies the probabilities on their side. Still the judiciary put their veto upon the laws, and thereby jeopardise life and property, and the peace of the country. Are the legislature, in this case, to submit? Are they to give an absolute control over the laws to the judiciary? For it is apparent that the power of impeachment may be futile, as any number over a third of the senators may frustrate a conviction, and as this number may be found among those senators who do not represent quite one ninth of the people of the United States. If this absolute control is not to be given, then the

power of abolishing the office is the only effectual remedy. This absolute authority is opposed to the whole theory of our government, and opposes all responsibility to public opinion.

Grant the legislature to be in error. The opinion they express is that of the people most directly expressed, and if incorrect, the people themselves will experience the evils resulting from it. Unless supported by the enlightened and permanent impressions of the people, it will be short lived; it will not be likely to endure for more than two years. But an error of the judges, if paramount, will be of great duration, and will admit of no remedy until the existing judges die and new ones are appointed. Before this shall occur, the liberties of the people may be destroyed.

To bring these remarks to a close, there is one criterion of the constitutionality of the repealing act, which ought, in our government, to be conclusive; one which could not be urged when the law passed. A lively appeal has been made to public opinion; and the people have been called upon to displace those who supported the measure. In every instance, except one, they have re-elected those who supported it; and in numerous instances they have ejected its opponents. In the congress that passed this act the republicans in the House of Representatives were sixty-eight, and the federalists thirty-eight; and in the Senate the republicans were eighteen, and the federalists fourteen. In the present Congress the republicans in the House are ninety-six, and the federalists thirty-eight; and in the Senate the republicans are twenty-five; and the federalists nine. The increase of republican members in the House is twenty-eight; and in the Senate seven; while the federalists have lost five senators, and have not gained a single representative, notwithstanding the in-

creased representation. More than two thirds of both branches, and three fourths of the states are likewise republican. Public opinion, therefore, the highest and the only competent tribunal, in litigated cases, has decided this question, with a strength adequate to effecting, if necessary, a correspondent alteration in the constitution, had that been necessary.

WITH regard to the *amendment to the Constitution* it is unnecessary here to go into an extensive discussion, as this has been so recently done, that the arguments urged may be presumed to be fresh in the recollection of the reader.—Its having been proposed, in the first instance, by two thirds of each branch of the legislature, and afterwards approved by states containing more than four-fifths of the population of the whole United States, conclusively proves the estimation in which it is held by the people. The declaration that it was a measure subversive of the rights of the small states is fully repelled by the fact, that of the six small states four have approved it.

There is only one further view which it is proper, in this place, to take. It has been said that this is a measure of the President and his personal friends; and that its chief object is to secure his future election.

We have already seen that it has not been officially suggested by him; and that no evidence is before the public of his having, even in his individual character, recommended it. Why then is it called HIS measure? It must be from the influence it will have on the ensuing election. Let us examine what this will be. At the nominations for the President and vice-president by the republican members of congress, Mr. Jefferson had every vote. In the republican prints, and at every political meeting in relation to the election of a presi-

dent no other man has been named. Whence then the necessity of precautionary measures where there was no danger? Had there been a division on this point among the republicans, there might be some plausibility in the suggestion; but in a case, where perfect harmony prevails; where no man is even dreamt of but Mr Jefferson, it is absurd to ascribe the least influence to personal attachment to him. The absurdity of such motive will more conclusively appear from the following analysis of electoral votes.

At the ensuing election it is impossible for the federalists to obtain more than 42 votes, viz. from New Hampshire 7, Connecticut 9, Massachusetts 19, Delaware 3, Maryland 3, and North Carolina 1. The probability is that they will fall short of this number at least ten. But allow them 42. The whole number of votes is 175: from which deduct 42, and there remains one hundred and thirty three, the number of the republican votes.

Suppose no amendment made to the constitution—All these votes would in such event go to Mr. Jefferson.

To prevent the individual, contemplated for vice-president, from becoming president, by receiving the federal votes, it would be necessary to withdraw from him forty-three republican votes. This would leave him ninety which, with the forty-two federal votes would make a number less than the number given to Mr. Jefferson. But, in order to guard against all unexpected contingencies, it would be perfectly safe to withhold ninety votes; as there would still remain forty-three, one more than the entire number of federal votes. In this way, a republican vice-president, as well as president would be secured, as the constitution provides that "in every case, after the choice of the president, the person having the greatest number of the electors, shall be the vice president."

We shall now proceed to consider the measures of the administration under the divisions flowing from the distribution of powers among the departments of finance, war, navy and state.

The control of financial operations has been seen to be an object of great importance. In modern times its consequence has greatly increased; and there is probably no nation of the civilised world to which it is more important than to the United States; as in the event of any serious external or internal danger, our reliance will be, not on large existing military establishments, but on our ability promptly to call forth the strength of the country.

On a subject of so much importance, the President appears to have been sensible of the propriety of avowing his opinions with explicitness.

Having called to the head of the treasury a man of uncommon clearness of perception, of great industry, and of irreproachable morals, worthy of the confidence of the whole nation and eminently possessed of that of the republicans, he communicated the principles on which the executive contemplated to act, and recommended various measures to Congress.

After a critical scrutiny into the national expences and resources, with that confidence which flows from a conviction of accurate information, he proposed the abolition of the internal taxes, and a more rapid discharge of the public debt. To justify these steps a general retrenchment of unnecessary expences was recommended, so far as depended upon law, and pursued so far as depended upon the executive.

The abolition of the internal taxes has been declared an unwise measure by the opponents of the administration, and effects, the most pernicious, predicted as likely to flow from it. A large por-

tion of these predictions, having been falsified by experience, require at present no notice. The remaining resources have proved not only equal to every existing engagement of the government, but likewise to a more rapid discharge of the public debt than that for which the national faith was pledged. The extraordinary expences incurred by the purchase of Louisiana, and the defence of the Mediterranean trade, are not overlooked. In a subsequent part of this view, it will be made distinctly to appear, that the former is one of those vast and extraordinary events that justifies the use of extraordinary means, and that the latter is a measure likely to be of but short duration, and consequently not requiring permanent revenues.

Assuming it then as an indisputable fact, that the revenue derived from the internal revenues could be spared, our enquiry, as to the expediency of their repeal, is narrowed into a consideration whether it was expedient to repeal them, or to diminish the duties on imported articles.

Every one acquainted with the history of the United States knows, that after the revolutionary war, it was a general, not to say universal impression, that the great power of taxation, vested in the general government, should be over imported commodities. This impression arose undoubtedly from the legitimate relationship between the nature of a government federal in its structure, and a tax whose equal operation could only be secured by the general government. Under this impression, and the most importunate intreaties of Congress, twelve states, a short time before the adoption of the constitution, had agreed to vest Congress with the power of laying a duty of five per cent. on imported articles. Rhode-Island, not then constituting more than a sixtieth part of the union, alone resisted this measure. But for her resistance, the

power would have been conferred, and the new constitution would probably never have been framed. When framed, it gave Congress *absolute* and *exclusive* power over duties on foreign commodities, thereby adding another, to the numerous existing proofs that this was considered as the appropriate resource of the general government. It gave, at the same time, a *concurrent* power, with the states, over every other source of revenue, with the express view of enabling a government, charged with the national defence, on any great emergency to call into activity the undivided resources of the community. This was the only reason, perhaps a falacious one, on which this sweeping power of taxation was confided. Accordingly Congress, in the first instance, confined themselves to the imposition of duties on external commerce. At a subsequent period the internal taxes were resorted to, under an alleged want of revenue. The same cause gave rise to a direct tax on lands, houses and slaves. This cause ceasing, was it not proper to re-possess the states of these resources? This alone, abstracted from all other considerations, would have been a sufficient justification of the measure.

But in addition to these there were other cogent reasons.

The internal revenues fostered a system of extensive patronage dangerous to a republican government. Five hundred officers were employed in their collection, and two hundred thousand dollars annually expended, amounting to twenty per cent. while the expence of collecting the external duties amounted to only five per cent. without producing any diminution in the aggregate expence by a decrease of duties. Here then is an annual saving of one hundred and fifty thousand dollars. It is not practicable to estimate with

precision the public injury arising from the existence of five hundred useless officers. It is within bounds, however, to say that their labor or ingenuity, if in a small degree productive, would exceed a hundred thousand dollars.

Some respect unquestionably was due by the representatives of a free people to the established impression that an excise is hostile to liberty. In a state of society, differing in one respect from that of all other nations, in protecting the unmolested exercise of industry in channels chosen by itself, it is certainly of importance little short of infinite to resist the establishment of a system which gives to governments the control and direction of every branch of internal manufacture; enabling them thereby to depress or elevate, according to the measure of taxation applied, the condition of every class of citizens; a power, so nearly approximated to despotism, as to have become hateful in every nation not degraded to the lowest condition.

It has been said that the repeal of these taxes operated to the local injury of a part of the union, and tended to oppress the poor.

To exhibit the local effects of the repeal, we have drawn out the following table. The *first* column exhibits the number of representatives to which each state is entitled; the *second* specifies the sums paid in each state in the year one thousand eight hundred and one; the *third* shews, without descending to fractions, the quota of the whole tax, which, for that year, each state would have paid had it been assessed in the ratio of numbers; the *fourth* exhibits the gain, and the *last* the loss of each state, on that principle, arising from the repeal.

States.	*Representatives.*	*Sums paid.*	*Sums payable on ratio of numbers.*	*Gain.*	*Loss.*
		DOLLARS.	DOLLARS.	DOLLARS.	DOLLARS.
New-Hampshire,	5	9,607	35,000		25,393
Massachusetts,	17	172,894	119,000	63,894	
Rhode-Island,	2	35,702	14,000	21,702	
Connecticut,	7	29,727	49,000		19,273
Vermont,	4	3,220	28,000		24,780
New-York,	17	119,070	119,000	70	
New-Jersey,	6	23,496	42,000		18,504
Pennsylvania,	18	211,180	126,000	85,180	
Delaware,	1	7,911	7,000	911	
Maryland,	8	86,718	56,000	30,718	
Virginia,	22	144,163	154,000		9,837
Ohio,	1	35,756	7,000	28,756	
Tennessee,	3	10,758	21,000		10,242
North-Carolina,	12	46,479	84,000		37,521
South Carolina,	8	43,479	56,000		12,521
Georgia,	4	13,489	28,000		14,511

From this table it appears that of the states of New Hampshire, Massachusetts, Rhode Island, Connecticut and Vermont, ordinarily denominated the New-England states, two have gained,

Dollars 85,596

and three have lost, 69,446

Leaving 16,150

the clear gain of the New England states.

That of the states of New-York, New Jersey, Pennsylvania, Delaware and Maryland, denominated the Middle states, four have gained 116,879

and one has lost - - - 18,504

The clear gain of the Middle states, 98,375

That of the remaining states, called the South and West, one has gained 28,756
and five have lost 84,632

The clear loss of the Southern and Western states 55,876

It further appears that the only gaining states were Pennsylvania, Massachusetts, Maryland, Ohio, and Rhode Island, and that Massachusetts, next to Pennsylvania, was the greatest gainer; and that the state that incurred the greatest loss was North Carolina.

It follows, from this analisis, that the repeal produced an absolute gain to the Eastern and Middle, while it produced a loss to the Southern and Western states. If, therefore, it was unequal in its operation, the latter, instead of the former states, have reason to complain.

But the intelligent reader will before this have remarked that, if the repeal really operated unequally upon the different states, that inequality could only arise from the partial operation of the taxes repealed; which, if a fact, would constitute one of the strongest arguments in favour of the measure.

To this however, it is replied, that the duties on imported articles are unequal in their operation on the different states: and thence it is inferred that they are improper subjects of exclusive taxation. But any existing inequality in their operation on the different states, arising from the relative state of agriculture and manufactures, will inevitably fall with peculiar weight on those states that produce the most and manufacture the least. Every one knows that the southern states are the most agricultural and consequently the least manufacturing; while the reverse, in both respects, is the case with the eastern states. The imports of a state are

generally about equal to its exports. If we compare the exports of the eastern states of New Hampshire, Massachusetts, Rhode Island, Connecticut and Vermont, with those of the southern states of Virginia, North Carolina, South Carolina and Georgia, we shall find the former amount to 11,904,803 dollars, and the latter to 18,548,943 dollars, which, compared with the population of these states, makes the average exportation of the southern exceed that of the eastern states about thirty per cent. or four millions and an half of dollars. And if we estimate the imports as equal to the exports, it will follow that the four southern states above mentioned contribute annually, in the shape of duties on imported articles, above a million of dollars more than are paid by an equal population of the eastern states. These states then ought to be the last to complain, as they not only gain the annual sum of sixteen thousand dollars by the repeal of the internal taxes, but in addition thereto, the annual sum of above one hundred thousand dollars from the million of dollars at present derived from duties on imports, paid by the southern states beyond their quota, according to their relative numbers.

These statements are not made in the least spirit of murmur at the effects of the duties on imports on the southern part of the union. It is well understood that, however harshly they may appear, in the first instance, to operate, they do in fact benefit the whole union; and that while they produce one disadvantage they insure a greater benefit. They tend to foster manufactures and navigation in those parts of the union, where those employments are more lucrative than agriculture, while agriculture is principally attended to in those states where, from the state of society, it is most profitable. Though it be highly desirable that the agricultural pursuits of our citizens should be cherish-

ed, and extended to their utmost limit, yet commanding considerations, connected with national prosperity, recommend the gradual cultivation of manufactures.

One serious charge remains to be repelled. It is alleged that the repeal of the internal taxes operates to the prejudice of the poor. Our road to a correct decision on this point is plain and open.

By a report of the committee of Ways and Means it appears that the permanent internal revenues were in eighteen hundred and one, 710,000 dollars:

Deducting from this sum the expenses of collection, amounting to 120,000 dollars, there remained 590,000 dollars revenue.

The opponents of the repeal, from an affected regard to the poor, recommended, instead of that measure, the reduction of the existing taxes on coffee, brown sugar, salt and bohea tea. Let us compare the effects of these alternatives.

To raise, by internal revenues 590,000 dollars, required taxes amounting to 720,000 dollars; while the raising 590,000 dollars by duties on imports involved no additional expense.

The family of a man in indigent circumstances would probably consume,

	Dollars.	*cents.*
15 lbs. of brown sugar, the duty on which is, ...	0	37½
10 lbs. of coffee, ...	0	50
2 lbs. of bohea tea, ...	0	24
2 bushels of salt, ...	0	40
Amounting in the whole to .	1	51½

The whole proceeds of duties on these four articles amounting to about 1,400,000 dollars, a reduction of 590,000 dollars would operate on the sum of one dollar and fifty cents, a reduction of six-

ty-four cents, whichwould constitute the amount of tax from which each poor family would be relieved.

The same family would probably consume a quantity of distilled spirits chargeable with a duty of at least

	Dolls.	*cents.*
	1	00
And would likewise consume other articles subject to internal taxation, chargeable with a duty of	0	20
Amounting to	1	20
Deduct the above sum of	0	64
And there remains the sum of	0	56

Which constitutes the sum from which each poor family has been relieved by the repeal of the internal taxes, beyond that from which they would have been liberated by the proposed reduction of the duties on brown sugar, coffee, salt and bohea tea.

It follows that the poor, instead of being losers, are actually gainers to this amount by the repeal.

It is impossible to form this estimate with absolute precision; but it cannot greatly deviate from the truth. It proves that the poor of America were benefitted more by the repeal of the internal taxes than they would have been by a diminution of the duties on brown sugar, bohea tea, salt and coffee. But, independently of all this reasoning, there was an insuperable obstacle to the reduction of the duties, created by those very men who the most strenuously urged it. The proceeds of those duties were solemnly pledged for the extinguishment of the public debt foreign as well as domestic. Where then was the boasted regard of these men to the public faith, which they had so often and so artfully invoked? Was it an idle dream of their fancies? Was it a talisman that required the hand of

a necromancer to wield? Was it meant as a kind of charm to lull the senses of the nation into that perfect confidence and unqualified security, that always precede the loss of liberty?

Coeval with this measure (the abolition of the internal taxes) commenced a vigorous spirit of economy, in which the legislature and executive heartily united. This is the common promise of reformers; a promise, which unfortunately for the people, is rarely kept. In the present case, however, it was sacredly observed. A sum much larger than that derived from the internal revenues was saved.

Without any reduction of the navy, the annual expenditures of that department were reduced 200,000 dollars.

The military arrangements were brought down to the situation of the country, and the annual sum of 522,000 dollars retrenched.

Other sources of expence were annihilated or reduced, by which the public service was, in some instances, promoted, and in no instance impaired.

Among these, were the suspension of two foreign embassies.

The abolition of the offices of sixteen circuit judges.

A diminution in the compensations of collectors of the customs.

With a variety of other retrenchments, the greater part of which from their minuteness forbid specification, but which in the aggregate amounted to no inconsiderable sum.

The whole of these savings, taking four successive years, may be computed at the annual sum of one million of dollars, amounting to more than a fourth of the whole disbursements of the treasury, with an

exception of the sum applied to the payment of the public debt.

There is little occasion to dilate on this branch of our view. It does not require any logic to impress on the people, the inferences deducible from such a reform. It may suffice to say that while it justified the repeal of the internal taxes, it tried the sincerity of the professions of the administration in those points, in which it is the most rarely observed. The love of office in the United States is unfortunately too predominant. He, who is the least acquainted with the secret springs of government, perceives it with regret mingling itself with the most important measures, and asserting its claims with alternate arrogance and servility. For an administration to pursue the straight line of justice, without giving way to the wiles or menaces of men actuated by interested motives, is an arduous duty. To go farther, and to cut off the very provender on which they hope to fatten, is to risque incurring the displeasure of a class of men, whose want of regular avocations, connected with an ardent and desperate spirit, give them great power over the prejudices of the people. An administration, pursuing such reforms, can only be upheld by the affections of the people. For their support alone can be sufficiently powerful to keep under those secret cabals which the disappointed and discontented will always excite.

The measures of the administration tried their sincerity on another important point. The funding interest, with what policy we shall not pretend to say, had uniformly reproached them with hostility to the regular payment of the interest and the final discharge of the public debt. This opinion was industriously and widedly disseminated ; and operating, with other circumstances, produced the almost total tranfer of the public stock, either to fo-

reigners, or to a class of men the most infuriatedly hostile to the new order of things. Duped, by designing individuals, they had, by every mean of secret as well as open enmity, borne a conspicuous share in traducing the character of the most distinguished republicans, and in resisting the growing spirit of the times. They had, on the other hand, lent themselves as willing instruments to those who disturbed the peace, and menaced the liberties of of the country, by intemperate or unconstitutional measures. This description of men monopolised the evidences of the public debt, amounting to above eighty millions.

Under these circumstances the new administration came into office. Had they listened to any voice but that of duty, they might have reasoned thus: "Our promotion has been opposed by a body of men who derive their power from the bounty of the government. However efficient from their wealth, their numbers are trifling. The greatest part of the debt is due to foreigners, and the residue is in the hands of men, ever ready to destroy us by enlisting in any scheme destructive of the general good. The mournful experience of England ought to teach us that this formidable interest necessarily leads to a prodigal expenditure of money, to war, and to oppression. Let us then, while we have the power, crush the monster, which has arisen in a spirit of favoritism, and in views hostile to liberty. By this means we shall destroy our greatest enemies. It is true we shall disoblige them; but this cannot make them more our enemies, while we shall make the nation our friends. We shall injure, perhaps, ten thousand men; but we shall benefit five millions. By the annihilation of a debt of eighty millions, we shall in fact do that which will be equivalent to giving every family in the United States the sum of one hundred

and thirty dollars. And by destroying this infant funding system, we shall forever crush the proud hopes of an aspiring aristocracy."

Such might have been the language of the administration. It would, it is true, have been the language of unprincipled ambition, of demoniacal revenge. But alas! how general has been the dominion of these dark and atrocious passions over rulers! *State policy*, that damnable pretext of tyrants, has extinguished every where the lights of justice and humanity. No—the republican administration held no such language. They rose not like lawless comets, here to deluge and there to conflagrate a world; but, revolving, in their appropriate spheres, and shining upon the bad as well as the good, they shed joy and gladness in their course. As true to the principles of justice, as the planetary system to the laws of nature, they sacredly respected her eternal mandates. A regard to national good faith obliterated every minor feeling. They loved their country too well to sacrifice its fame on the altar of revenge. The regular payment of the interest has not, for a moment, been impeded; while the ultimate discharge of the principal has been hastened beyond all precedent, towards which the annual sum of seven millions three hundred thousand dollars has been appropriated. Under the auspices of these measures, our stock has risen, and those, to whom we are indebted, are only dissatisfied with the unexpectedly speedy discharge of their claims.

This view of the fiscal operations of the government might be extensively ramified. This would, however, probably be too great a trial of the patience of the reader. We shall therefore here rest our details.

The concurring opinions of enlightened writers have imposed three great duties on the intendants of

the revenues of a state ; viz. to raise a revenue equal to the expenditure ; to collect it in such a manner as to be the least oppressive ; and to disburse it frugally. These great duties have been faithfully discharged. That the revenue raised has been steadily equal to the expenditure clearly appears from the specie balance in the Treasury for three successive years. On the first of October, one thousand eight hundred and one, it was 2,946,038 dollars ; on the first of October, one thousand eight hundred and two, 4,539,675 dollars ; and on the first of October, one thousand eight hundred and three, 5,860,000 dollars ; sums, all of which are larger than the specie balance at the time the new administration commenced, which only amounted to 1,794,044 dollars.

That they have collected the revenue in such a manner as to be the least oppressive is evinced by two considerations, the diminution of the expense of collection, and the perfect satisfaction, on this point, which is not disturbed by a single murmur of disapprobation.

That the revenue thus raised has been frugally disbursed has already appeared.

We cannot close these remarks on the prosperous state of our finances without observing that neither the President or the secretary of the treasury have, in a single instance, over-rated, in their estimates, the national resources. On the contrary, the resources have invariably exceeded the estimates. Without intending an invidious comparison, it may be asked whether the same can be said of the preceding administrations? Nor is it altogether unworthy of notice, that while the estimates of Mr. Gallatin have proved uncommonly accurate, the predictions of the opposition have, in every instance, been falsified by experience.—Thus, in the first session of the seventh Congress,

when the internal revenues were abolished, and the foundation laid for the extinguishment of the public debt. Mr. Griswold, the ablest leader and most accurate man of his party, affirmed that it was unwise and dangerous to trust to receiving for several years more than 8,350,000 dollars from duties, and 721,000 from other sources, making together $ 9,071,000, which, he declared, after every practicable retrenchment, would leave an annual defalcation of 929,000 dollars. Instead of this result the duties have yielded

	Dollars.
In 1801 - - -	10,126,213
In 1802 - - -	10,100,000
In 1803 - - -	10,600,000

exceeding the estimate of Mr. Griswold in the average annual sum of 1,925,000 dollars. However surprising this error may be to those who have paid but little attention to the principles of political economy, it is easily accounted for. We are not to look to the counting house or the forum, for those enlarged views that can only be taken by minds well acquainted with history, and the principles that regulate the intercourses of nations. To fathom the future requires a knowledge of the past, united with a capacity of extracting from the heterogeneous mass that which is applicable to existing circumstances.

But no circumstance so completely demonstrates the full competency of the public resources during the whole period of the administration as the operations for the redemption of the public debt. In the month of April, 1801, Congress passed an act appropriating the annual sum of 7,300,000 dollars to the payment of the principal and interest of the debt, a larger sum than had in any antecedent year been applied. Instead, however, of barely complying with the requisitions of

this act, there has been applied annually a much larger sum.

Besides the regular payment of the interest there has been discharged of the principal, from the 1st of April, 1801, to the 3d of September, 1803, as appears by the report of the Secretary of the Treasury of the 24th of October, 1803, the sum of

	DOLLARS.
	9,920,000
And in correspondence with an estimate made in the same report there will have been discharged by this time the additional amount of	3,500,000
Making together	$ 13,420,000

discharged in three years and an half.

We shall finish these remarks with mentioning a single fact. During the whole administration of Mr. Adams, there was not a dollar of the public debt really redeemed; for the new debt created by loans considerably exceeded the amount paid of the old.

In this view of the financial operations of the government, it may be proper concisely to notice a topic, brought up from time to time to suit party purposes. About the close of the year one thousand eight hundred and two, the commissioners of the sinking fund made a contract with Mr. Baring, whereby they sold him 2,220 shares of bank stock, for an advance of 45 per cent. making 1,287,600 dollars, *on the condition* that he should pay an equivalent sum of the foreign debt due by the United States at the exchange of 41 cents the guilder. At the close of the ensuing session, within two days of its termination, Mr. Bayard brought forward a motion of enquiry, on the ground that the commissioners had no legal authority to sell the bank shares, and that if they

had the power, they had sacrificed the interest of the United States by the low price at which they had been sold. We shall pass over the disingenuous manner in which this enquiry was urged, with the single remark, that no other motive but the desire to wound the administration in the tenderest point, without giving them an opportunity to justify their conduct, could have produced the motion at the time it was submitted. Fortunately, however, the friends of the administration manifested, on this occasion, a vigilance and knowledge that confounded their enemies.

In this discussion it was contended that the commissioners had no legal authority to sell the bank shares. In answer to this declaration, reference was had to the act of Congress of one thousand seven hundred ninety-six, in relation to the payment of the public debt. That act authorises the commissioners of the sinking fund to borrow five millions, for the purpose of paying *such debts to the bank of the United States*, to the bank of New-York, and such instalments of the foreign debt, *as were then due or should become due in the course of the year one thousand seven hundred and ninety-six.* The law provided that this authority might be exercised in three different ways; the two first authorised loaning the money from individuals, and the third authorised the commissioners, if they deemed it most advantageous, to sell such, and so many of the shares in the bank of the United States, as they might think proper, for the above purpose. Of the sum due to the bank of the United States in the year one thousand seven hundred and ninety-six, it was shewn that 2,740,000 dollars remained due on the first of January, one thousand eight hundred and two. For the purpose of in part paying this debt, the commissioners sold the bank shares. The

power given in one thousand seven hundred and ninety-six to sell the bank shares being unlimited in point of time, and the objects to which only it was limited remaining in existence, it appeared as clear as day light that the authority was legal. Such, moreover, appeared to have been the contemplation of the legislature in the antecedent year (1802) who had passed a law providing for the discharge of the public debt, in which it is provided that the power given to reloan certain instalments of the Dutch debt "shall not be construed to repeal, diminish, or affect the power given to the commissioners by an act making provision for the payment of certain debts of the United States (the very act in question passed in 1796) to borrow certain sums of money, and *to sell the shares in the bank of the United States, belonging to the United States*, in the manner, on the terms, and for the purposes provided by the said act."

To prove that the interest of the United States was not sacrificed by the sale, but that on the contrary, it was eminently promoted by it, we shall extract from Mr. Nicholson's speech the following statements, which, it is conceived, will be satisfactory to every unprejudiced mind.

"The 2,220 shares sold at 45 per cent. advance, or for 580 dollars each, and produced the sum of 1,287,600 dollars. By selling to Baring the commissioners of the sinking fund were enabled to make an advantageous contract with him for the payment of the debt in Holland. The bank of the United States had refused to contract to make the remittance; the Manhattan bank in New-York offered to contract, but the lowest rate offered was at 43 cents the guilder. Mr. Baring offered to contract at 41 cents the guilder, provided the commissioners would sell him their shares in the bank

of the United States. This proposition they acceded to, and sold the 2,220 shares for

dollars 1,287,600

Gained on the purchase of bills of exchange for 3,140,487 guilders at 41 cents each, instead of 43 cents; the difference 2 cents per guilder, equal to 62,809 - - - - 62,809

1,350,409

This sum makes the real proceeds of the bank shares, and shews the true amount received by the United States for them - - - - 1,350,409

But the gentleman from Delaware says the sale might have been made at 50 per cent. advance, and we might likewise have received a half yearly dividend; and this he thinks would have been a better bargain. Let this be tried.

Suppose the 2,220 shares sold at 50 per cent. advance or for 600 dollars each - - - - 1,332,000

Add the half yearly dividend at 4 per cent. which it is said we might have received likewise, besides getting the 50 per cent. advance, the dividend of 4 per cent, or 16 dollars per shares equal to - - - 35,520

This would have given us for our shares the sum of - - - 1,367,520

In this case, however, we should have been obliged to pay at the rate of 43 cents the guilder, instead of 41 cents and the difference of 2 cents per guilder on 3,140,487 guilders

would have been against us, instead of in our favor. This therefore is to be deducted, and is equal to 62,809 dollars - - - - 62,809

Making the true proceeds of our shares agreeably to this operation only - - - - - - 1,304,711

Or 45,698 dollars less than the commissioners of the sinking fund actually received.

But the gentleman from Delaware supposes that we might have retained our bank shares, and might have advanced money from the treasury to buy the bills on Holland; in which case, if we had kept them another year, we might then have sold them at 50 per cent. advance, and should have received two half yearly dividends upon them, equal to 8 per cent. or 32 dollars the share. If this calculation is made, it will be found that we have still made money by the contract.

Suppose the 2,220 shares sold at 50 per cent. advance, they would have yielded, as before stated - 1,332,000

Add the two half yearly dividends at 4 per cent. each, or 32 dollars for each share - - - - 71,040

This then would have been the amount received by the U. States - 1,403,040

We must however have given 43 cents the guilder for 3,140,487 guilders, instead of 41 cents which the purchase was made from Mr. Bar-

ing at; or 62,809 dollars more, which must therefore be deducted, and is - - - - -	62,809
And it shews that we should only, in that case, have received for our 2,220 shares the sum of - -	1,340,231
Or 10,178 dollars less than the commissioners received; and if to this sum of 10,178 dollars be added the year's interest, which we must have paid to the bank for the amount of debt paid by the proceeds of the shares, which interest calculated at 6 per cent. on 1,287,000 dollars, is equal to - - - - -	77,220
To which add the former sum of - - - - - -	10,178
And it shews that we should have lost by this operation the sum of -	87,398

Thus, in every point of view, it appears that the sale made by the commissioners was highly advantageous."

Passing on to a view of the measures of the *War* department of the government, we are naturally led to offer a few remarks on the policy of the United States. There is probably no civilised nation on earth whose welfare is not connected with the maintenance of peace. Yet true, and even trite as this observation is, there is scarcely a single nation that long maintains it. The ambition of rulers, the prejudices of the people, the injustice of nations, are the constant causes that kindle wars for which a plausible pretext is never want-

ing. When, therefore, the United States took rank among the independent nations of the earth, and held out the promise of a free government, in which the oppressed might find an asylum, it was with a deep and fearful anxiety that the philanthropist marked the steps which she took. The enemies of republican institutions predicted internal divisions and external wars; and announced the early dissolution of her union. In the first stages of the government, both before and after the formation of the constitution, too many grounds of apprehension arose. An Indian war, disastrously pursued, was succeeded by an insurrection, and in the rear were observed some dark omens of war with Britain, and afterwards with France, the most powerful nations of Europe. During this alarming period the republicans declared themselves the friends of peace; and their efforts promised but little success in longer averting war, when public opinion placed the government in their hands. Then the voice of faction sounded still louder, and proclaimed an impending war with England, long since charged upon the members of the administration as a favourite measure.

Four years have nearly elapsed, and these awful warnings have turned out to be "*mere spirits*," and have "dissolved into thin air." All impending alarm has been removed. The savages have been hushed into a profound peace, the whole interior is blessed with a harmony, that has not been disturbed in the smallest district of the union, the citizens have not in a single remonstrance complained of a solitary grievance, and all Europe is at peace with us. Has this been effected by a vast military apparatus; by an impressive display of cannon and bayonets and uniform? No. The first measure of the administration was, as we have already seen, to reduce the army from five to

three thousand men; thereby diminishing the annual expence 522,000 dollars. With this small force, every necessary purpose of an army has been answered, and this too amidst circumstances of no little difficuly. When the present Secretary came into office, he found the department in that situation that necessarily arose from the character of his predecessor. It is not the end of these remarks to make injurious reflections on the last administration not absolutely necessary to illucidate the view we are taking. But it is a fact, whose notoriety cannot be extended, that the former Secretary was as little qualified for the transaction of the business devolved upon him as, perhaps, any man living.

The war department requires a regular attention to numerous details, and a prompt decision upon occurring cases. Whatever may have been the attention bestowed by Mr. M'Henry, his measures were taken with so much tardiness, that the simplest operation was protracted until its utility was nearly lost. His table was soon covered with an accumulation of business; every thing was delayed, and much was entirely lost in the heap. The best friends of the administration called aloud for a reform.

This reform was attempted by general Dearborn, with what success the public has long since seen. With habits, directly opposed to those of his predecessor, he has restored the energy and regularity so essential to all military arrangements. With a much smaller sum than that allowed under the preceding administration, he has preserved peace on the frontiers and has distributed the force in such a manner as fully to protect the fortifications. Nor ought it to be omitted that the acquisition of Louisiana has not augmented the army a man, or cost the nation, for that purpose, a single cent.

Some slight dissatisfaction has arisen in relation to the treatment of col. Butler, and the derangement of certain officers. But the former is the act of a court martial, and the punishment he has received is in truth that of his political friends; and the derangements are, for the most part, the necessary effects of law. Some brave and able officers may have been dismissed; but it is not alleged that those remaining in service are inferior to them; and though the politics of nearly all the officers are adverse to those of the administration, not one of them has been removed on that account.

The superintendance of the military department, during a period of peace, admits of the display of little that is brilliant. It does not however thence follow that its duties are unimportant. To estimate the importance of their faithful discharge, it is only necessary to reflect on the injurious effects that result from their abuse. As there is nothing more dangerous to the liberties or subversive of the morals of a people, than large standing armies, so no greater benefit can be conferred by government than the keeping them within the strictest limits. The importance of this point is ably illustrated in the instructions of the Virginia Legislature to their Senators.

"Although the Constitution submits the right of raising armies to the discretion of Congress, yet, it evidently contemplated the militia as the great bulwark of national defence, as well, to use the language of the Constitution, *to repel invasions*, as to *execute the laws of the union and suppress insurrections*, and contemplated the right of raising armies for pressing and extraordinary emergencies. That the militia, except in such emergencies, is the only safe and adequate defence of the nation, is a political axiom hitherto held sacred in

the United States. This is not only the obvious meaning of the constitution, but is still more strongly evidenced by the practical construction thereof under the former administration, as will appear by reviewing its proceedings for several successive years after the government was put into operation. Shortly after that event, the first president in his speech of the eighth of January, 1790, called the attention of Congress, to the great business of providing for the national defence in the following words : " A free people ought not only to be armed, but disciplined, to which end, an uniform and well digested plan is requisite." Acting under the same impression in his speech on the twenty-fifth of October, 1791, he again reminded Congress of the Militia, as the great depository of national force ; speaking of the several objects referred to the consideration of Congress, in referring to the Militia he observes : " The first is certainly an object of primary importance, whether they are viewed in reference to the national security, or to the satisfaction of the community or to the preservation of order : in connection with this, the establishment of competent magazines and arsenals, and the fortifications naturally present themselves to consideration. The safety of the United States under Divine Protection, ought to rest on the basis of systematic and solid arrangements, exposed as little as possible to the hazard of fortuitous circumstances."

" These recommendations being considered as relating exclusively to the Militia, gave rise to a law (more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States.) The President again recurring to the Militia, as the safe and adequate defence of the nation, in his speech on the third of December, 1793, after speaking of the necessity

of procuring arms and other military apparatus, emphatically observes :—" Nor can such arrangements with such objects, be exposed to the censure or jealousy of the warmest friends of republican government. They are incapable of abuse in the hands of a militia, who ought to possess a pride in being the depository of the force of the Republic, and may be trained to a degree of energy equal to every military exigency of the United States. But it is an enquiry which cannot be too solemnly pursued, whether the act has organised them so as to produce their full effect." And again, after the Militia had demostrated their efficacy in promptly marching to suppress an opposition to the laws in Pennsylvania, on the nineteenth of November, 1794, in his speech the President observes :—" The devising and establishing a well regulated militia, would be a genuine source of legislative honor, and a perfect title to public gratitude. I therefore entertain a hope, that the present session will not pass, without carrying to its full energy, the power of organising, arming, and disciplining the militia, and thus providing in the language of the Constiution, for calling them forth, to execute the laws of the union, suppress insurrections and repel invasions, as auxiliary to the state of our defence to which congress can never too frequently recur; they will not omit to enquire whether the fortifications which have been already licensed by law, be commensurate with our exigencies." These quotations require no illustration. They demonstrate the principle contended for by the General Assembly. Until the fifth Congress this principle appears to have been duly respected. It was then materially varied by the substitution of a military establishment, and by volunteer corps officered by the President, and not by the states, as the Constitution requires, that the militia should

be, at the same time refusing to arm and equip any portion of the militia for the purposes of defence.

" The solicitude of the Virginia Assembly for disbanding the army and reinstating the great constitutional principle of national defence, is greatly increased by referring to the enormous sums appropriated for supporting the army and navy. During the last year, whilst money was procured at eight per centum, the appropriations for the support of the army alone amounted to 4,200,000 dollars—for fortifications 700,000—for the navy 4,350,000—amounting in the whole to 9,250,000, exclusively of a great and unascertained sum of voluntary subscriptions for building and equipping vessels of war for which the subscribers receive an interest at six per centum.—Thus imposing an annual debt or an annual tax upon the people of nearly two dollars for every individual throughout the United States—to say nothing of the moral and political evils incident to a standing army, and some of which are already developing themselves in the United States. Considering the great distance of the United States from the powerful nations of Europe, the natural strength of the country, the spirit of the people, and the fate of one invading experiment made at a time, and under circumstances, infinitely unfavorable to the United States compared with their present situation; the General Assembly are persuaded that as long as the nations of Europe continue at war with each other, no formidable invasion is to be apprehended at all, nor a sudden and formidable invasion at any time. Under this prospect of things the General Assembly hold it as the dictate of true policy in the Federal Government to husband the public resources, to arrange and prepare the militia, and to cultivate harmony by re-

moving as far as possible, causes of jealousy and disapprobation. With these advantages it cannot be doubted that the United States would be in a better posture for facing any danger that can be seriously apprehended, than can be given them by the present military establishment, accompanied with the anticipation of resources, and the accumulations of public debts and taxes inseparable therefrom."

From this concise view of the measures and principles of the Washington administration, it is manifest that they coincided with those pursued by the present. By both a militia is considered "as the only safe and adequate defence of the nation." Washington declares—"that they may be trained to a degree of energy equal to every military exigency of the United States;" and Jefferson pronounces "a well disciplined militia our best reliance in peace, and for the first moments of war, till regulars may relieve them." Washington in all his annual communications to Congress, recommended the improvement of the system for the organisation of the militia; Jefferson, in all his messages, has evinced the same sense of the importance of the object. Of this his first message affords a good specimen of the spirit of all the rest:

"A statement," says he, "has been formed by the Secretary of War, on mature consideration, of all the posts and stations, where garrisons will be expedient, and of the number of men requisite for each garrison. The whole amount is considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defence against invasion, their number is as nothing; nor is it considered needful or safe that a standing army should be kept up, in time

of peace, for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy will chuse to invade us, the only force which can be ready at every point, and competent to oppose them, is the body of neighbouring citizens, as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading force, it is best to rely not only to meet the first attack, but if it threatens to be permanent, to maintain the defence until regulars may be engaged to relieve them. These considerations render it important that we should, at every session, continue to amend the defects, which from time to time shew themselves, in the laws for regulating the militia, until they are sufficiently perfect: nor should we now, or at any time, separate, until we can say we have done every thing for the militia, which we could do were an enemy at our door."

It is true that under neither administration, has that system been carried to the perfection of which it is susceptible, and without the accomplishment of which the patriot ought not to rest satisfied. Much, however, has been done, with so conspicuously good an effect, as to animate future efforts, and to justify the hope that at no distant day the militia will be placed on such a footing as nearly, if not entirely to supercede the necessity of a regular army.

No facts will more clearly prove the resemblance of the measures of the Washington and Jefferson administrations on this point, [military expences] than a statement of the expenses of the army under each of them. These expences were during the administration of the former,

		Dollars.
In the year	1790 } 1791 }	808,000
	1792	1,103,000
	1793	1,212,000
	1794	2,610,000
	1795	2,420,000
	1796	1,280,000

Averaging an annual expenditure of about one million two hundred thousand dollars.

During the administration of Mr. Jefferson they have been

		Dollars.
In the year	1801	2,093,000 *(a)*
	1802	1,048,000
	1803	900,000 *(a)*
	1804	856,000 *(a)*

Averaging for the four last years the annual sum of one million two hundred thousand dollars; and for the last three years the annual sum of about nine hundred thousand dollars. It is proper to remark that the heavy appropriation for 1801 was made during Mr. Adams's administration.

The expences of the army during the administration of Mr. Adams, were,

		Dollars.
In the year	1797	1,022,000
	1798	1,824,000
	1799	2,296,000
	1800	2,444,000

Averaging the annual sum of one million nine hundred thousand dollars.

It may be proper under this head to notice the measures taken by the Executive with regard to the

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(a) For these years the sums stated are those appropriated.

Indians. Considerations of justice as well as humanity enforce the duty of rendering their condition as comfortable as possible. Notwithstanding the atrocious outrages of European nations upon the aborigines of conquered countries, the obligations of justice are not extinguished, the rights of humanity are not blotted out. Although it may not be practicable to weigh with equal scales the rights of the natives with the claims of intruders, and apportion justice impartially between them, there can be no doubt of the duty of the latter, while they deprive the former of their lands, to contribute, as highly as circumstances will allow, to their welfare. While, therefore, a spirit of deadly extermination has, under the sanguinary career of other nations, spread desolation and death among the natives of regions seized by violence, it is our pride to have been animated by a pacific policy, and to have aimed at the improvement, instead of the extirpation of that brave race of men we found on our shores. Under the influence of these worthy feelings the President says, "Among our Indian neighbours also a spirit of peace and friendship generally prevails; and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry, and of the household arts have not been without success; that they are become more and more sensible of the superiority of this dependance for clothing and subsistance, over the precarious resources of hunting and fishing; and already we are able to announce that, instead of that constant diminution of numbers produced by their wars and their wants, some of them begin to experience an increase of population."

These sentiments and views appear to have constantly actuated the administration. Under their auspices numerous treaties have been formed, and,

notwithstanding the extensive regions, to which the Indian claims have been extinguished, no serious dissatisfaction has arisen in any quarter. The government has, in every instance, given what has been received as a compensation. Tranquility reigns on the frontier; the scalping knife is no longer lifted against the innocent and defenceless; nor is a murderous spirit indulged by the whites towards their less civilised neighbours. The emigrant, on the borders of the republic, enjoys the same security with the inhabitant of the interior.

Some retribution, it is hoped, is found by the aborigines of the soil for the deprivation of their possessions, in the good clothing they receive, in their gradual progress in husbandry and the arts, and, more than all, in their exemption from the frequent and bloody wars they waged among each other, which have almost entirely ceased, from a sense of common danger, and from the policy of a government that no longer seeks its own security in the animosities of its enemies.

A just appreciation of the measures of the administration relative to a NAVAL ESTABLISHMENT, requires an accurate acquaintance with the antecedent measures of the government, and the motives that dictated them.

To the importance of this object the framers of the constitution could not be insensible. They therefore gave congress the power to "provide and maintain a navy." But by this investiture of power they neither determined the time when, or the degree to which it would be expedient to exercise it. These were wisely left to circumstances, according to which the power might or might not be carried. It has by some been feebly contended that all the powers given ought immediately to be exercised. But the good sense of every sound mind has rejected this idea. It is evident that ma-

ny of the powers bestowed were intended to provide for cases without the existence of which their exercise would be nugatory or pernicious. Thus the power to impose taxes of any kind to an unlimited amount, however necessary on a great emergency of affairs, was never intended to be exercised in ordinary times. The power to borrow money is of the same contingent nature; as are the powers, to declare war and grant letters of marque and reprisal, and to raise and support armies. Many of the powers conferred were likewise given with the view of averting the evils against which they provide. Thus the knowledge that the United States possessed the power of drawing forth the whole physical resources of the nation, in the shape of taxes, armies and navies, would probably be of itself, in most cases, a protection against the injustice of foreign nations to disturb our internal harmony, or our external commerce. It follows, that the constitution in conferring this power only assumes the fact that circumstances might arise that would authorise its exercise, leaving the time when, and the degree to which it should be exercised to the wisdom of congress.

When that body first met, under the constitution, the illustrious citizen called to the chief magistracy was cautiously silent on this subject. We may thence infer that neither his own opinions, or those of the public, contemplated a navy as expedient at that time. The fate of Carthage may have been still on their memories, and the not dissimilar career of the great maritime nations of modern times, who sought to protect their extended trade by similar means, was undoubtedly plainly before them. Of these, it is sufficient to name Holland, Spain, the Hanse towns, and the Italian republics, all of whom have lost either their wealth, their political

importance, or their liberties. Nor could they have been unmindful of the awful state of Great Britain, whose vast navy, and extensive conquests, have only served to immerse her still deeper in debt and in war.

However indispensable they may have considered naval armaments to the nations of the old world, they probably contemplated in the situation of the United States a fortunate exemption from many of the causes which there gave birth to them. Possessed of a vast tract of land, which offers the means of remaining an agricultural nation for at least two centuries, they may have believed that the solid prosperity of the citizen would be better promoted by pursuing the tract designated by the bountiful hand of nature, than by embarking in the uncertain and hazardous enterprises of trade. They may have perceived an intimate alliance between agriculture and liberty. They may have remarked, that the habits of industry and hardihood it requires, with the plain and regular manners it creates, cherish a love of virtue and of independence, equally indisposed to invade the rights of others, or to suffer invasion themselves. They undoubtedly perceived that it would be the surest preservative of equality of possessions.

They may, on the contrary, have been of opinion, as the experience of the world taught them, that excessive commerce produces numerous vices, subverts equality of wealth, causes effeminacy of manners, and thus hastens the downfall of states.

They may have thought that agricultural pursuits would preserve the peace of the country, by cutting off all grounds of foreign jealousy, while extensive trade, by giving rise to them, and creating numerous sources of collision, would almost necessarily produce war.

They may have been of the opinion, that however desirable an extended trade to the United States, it became her, in the infancy of her strength, to avoid uselessly exhausting resources, then unavailing, but hereafter destined under a provident management, to be equal to repelling the injustice of any nation on earth.

They may have thought that trade is its best protectress, and that those nations actually pay less for the commodities they consume, who abstain from an armed protection of trade, than those that support the most splendid and expensive establishments.

All these considerations may have induced them, as they certainly have many wise men, to think that the true policy of the United States forbade a governmental interference in commercial enterprises, thus permitting her citizens unmolestedly to pursue their own inclinations, without inviting them, by the allurements of a navy, into a situation, where but a feeble protection could be given. In confirmation of this being the deliberate sentiment entertained by many of our best citizens, we may cite the instructions given in one thousand eight hundred by the legislature of Virginia to their Senators on the alarming crisis of the public affairs at that period.

"With respect to the Navy," say they, "it may be proper to remind you that whatever may be the proposed object of its establishment, or whatever may be the prospect of temporary advantages resulting therefrom, it is demonstrated by the experience of all nations, who have ventured far into naval policy, that such prospect is ultimately delusive; and that a navy has ever in practice been known more as an instrument of power, a source of expence, and an occasion of collisions and wars with other nations, than as an instrument of de-

fence, of economy, or of protection to commerce. Nor is there any nation in the judgement of the General Assembly, to whose circumstances this remark is more applicable than to the United States."

After this expression of their opinion, the General Assembly instruct the Senators, and request the Representatives of Virginia, "to use their best efforts to prevent any augmentation of the navy, and to promote any proposition for reducing it, as circumstances will permit, within the narrowest limits compatible with the protection of the sea coasts, ports and harbors of the United States, and of consequence a proportionate reduction of the taxes."

Other eminent authorities, to the same effect, might be added; but we shall prefer taking a view of the measures of the government, with the avowed grounds on which they were taken, as the clearest illustration of public opinion.

From the year one thousand seven hundred and eighty-nine, when the government went into operation, to the year 1794, there was no official recommendation of a navy, or steps taken towards its establishment. So far from this being within the contemplation of the government during that period, we find strong proofs of a contrary sentiment. General Washington, in his address at the opening of the third session of the first Congress on the 8th of December 1790, says, "The disturbed situation of Europe, and particularly the critical posture of the great maritime powers, whilst it ought to make us more thankful for the general peace and security enjoyed by the United States, reminds us at the same time of the circumspection with which it becomes us to preserve these blessings. It requires also, that we should not overlook the tendency of a war, and even of preparations for a war

among the nations most concerned in active commerce with this country, to abridge the means, and thereby at least enhance the price of transporting its valuable productions to proper markets. I recommend it to your serious reflections how far and in what mode it may be expedient to guard against embarrassments from these contingencies, *by such encouragements to our navigation as will render our commerce and agriculture less dependent on foreign bottoms*, which may favor us in the very moments most interesting to both of these great objects. *Our fisheries, and the transportation of our own produce, offer us abundant means for guarding ourselves against this evil.*"

In the spirit of this recommendation, while laws were passed for encouraging our fisheries, and for giving a decided preference to our own over foreign vessels, no law was enacted that had the most remote relation to the establishment of a naval armament.

The silence of the President, at the ensuing session, to recommend any further measures for the protection of trade and navigation, is a strong evidence that the measures already taken were deemed adequate, and were those which, in his preceding communication, he intended to recommend. A similar silence, at the next session thereafter, strengthens still further this impression.

On the third of December, 1793, the President again invites the attention of Congress to the subject. Let it be recollected that war had for some time prevailed between France and England, and other nations with whom we held intimate relations.

"I cannot," says he, "recommend to your notice measures for the fulfilment of *our* duties to the rest of the world, without again pressing upon you the necessity of placing ourselves in a condi-

tion of complete defence, and of exacting from *them* the fulfilment of *their* duties towards *us*. The United States ought not to indulge a persuasion, that, contrary to the order of human events, they will for ever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations, which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known, that we are at all times ready for war."

The means, by which these desirable ends are to be secured, are stated in the following words, which do not, in the remotest degree, recognise as necessary a naval armament.

"The documents which will be presented to you, will shew the amount, and kinds of arms and military stores now in our magazines and arsenals; and yet an addition even to these supplies cannot with prudence be neglected; as it would leave nothing to the uncertainty of procuring warlike apparatus in the moment of public danger. Nor can such arrangements, with such objects, be exposed to the censure or jealousy of the warmest friends of republican government. They are incapable of abuse in the hands of the militia, who ought to possess a pride in being the depository of the force of the republic, and may be trained to a degree of energy, equal to every military exigency of the United States. But it is an enquiry which cannot be too solemnly pursued, whether the act, "more effectually to provide for the national defence by establishing an uniform militia throughout the United States," has organised them so as to produce their full effect; whether your own expe-

rience in the several states has not detected some imperfections in the scheme; and whether a material feature in an improvement of it ought not to be, to afford an opportunity for the study of those branches of the military art, which can scarcely ever be attained by practice alone?"

In this earnest language, does our great patriot urge, on his country, as the best security for peace, the necessity of being prepared at all times for war, not by establishing a vast navy, too apt to embroil us in premature hostilities; but by training the militia "to a degree of energy equal to every military exigency;" and by filling our magazines with arms and military stores.

In the winter of 1794, after the suppression of the insurrection, the president addressed Congress in the following animated terms:

"With such demonstrations of affection for our constitution—with an adequate organisation of the militia—with the establishment of necessary fortifications—with a continuance of those judicious and spirited exertions, which brought victory to our western army—with a due attention to public credit, and an unsullied honor towards all nations, we may meet, under every assurance of success, our enemies from within and from without."

Can any language be more decisive than that which announces that, *without resorting to a navy*, we may meet, under every assurance of success, our enemies from within and from without?

In December 1795, the President draws the following interesting picture of the situation of the United States.

"Contemplating the internal situation, as well as the external relations of the United States, we discover equal cause for contentment and satisfaction. While many of the nations of Europe, with their American dependencies, have been involved in

a contest unusually bloody, exhausting and calamitous; in which the evils of foreign war have been aggravated by domestic convulsion and insurrection; in which many of the arts most useful to society have been exposed to discouragement and decay; in which scarcity of subsistence has embittered other sufferings; while even the anticipations of a return of the blessings of peace and repose, are alloyed by the sense of heavy and accumulating burthens, which press upon all the departments of industry, and threaten to clog the future springs of government, our favoured country, happy in a striking contrast, has enjoyed general tranquility; a tranquility the more satisfactory, because maintained at the expence of no duty. Faithful to ourselves, we have violated no obligation to others. Our agriculture, commerce and manufactures prosper beyond former example; the molestations of our trade (to prevent a continuance of which, however, very pointed remonstrances have been made) being overbalanced by the aggregate benefits which it derives from a neutral position. Our population advances with a celerity which, exceeding the most sanguine calculation, proportionally augments our strength and resources, and guarantees our future security. Every part of the union displays indications of rapid and various improvement, and with burthens so light as scarcely to be perceived; with resources fully adequate to our present exigencies; with governments founded on the genuine principles of rational liberty, and with mild and wholesome laws;—is it too much to say, that our country exhibits a spectacle of national happiness never surpassed, if ever before equalled."

Let it not be forgotten that all these happy effects had been produced without a Navy.

Congress had, it is true, in the year 1794, authorised the President to provide four 44 gun

ships, and two of thirty-six; but for the express and sole purpose of arresting the depredations of Algerine piracy; and for the liberation of our captive citizens. The law passed on this occasion is uncommonly solicitous to guard against the establishment of a permanent navy under the color of these evils. Its *first* words are: "Whereas the depredations committed by the Algerine corsairs on the commerce of the United States render it necessary that a naval force should be provided for its protection."—And its *last*: "That if a peace shall take place between the United States and the Regency of Algiers, no further proceeding shall be had under this act."

It is important to remark that this law passed on the 27th day of March 1794, immediately after the re-election of General Washington by the unanimous suffrage of America, and when federal principles, unpolluted by party sensations, were in the full tide of successful experiment. Nor were the external affairs of the country by any means flattering. On the Atlantic the war had begun to rage between Great Britain and France, while on our western frontiers the savages were in arms. Still the great, the sole cause of this naval armament was the violences of Algiers; the captivity of our citizens, whose ignominious and harsh treatment roused the national sentiment to effect their liberation and restrain the further injustice of the Dey. Congress expressly direct that as soon as these ends shall be attained, of which peace would be the necessary consequence, no further proceeding shall be had in providing ships of war.

On the 8th of December, 1795, the President announced to Congress the establishment of peace with Algiers, and the formation of a treaty with Great-Britain. On the 20th of April, 1796, Congress authorised the President to continue the construction and equipment of two frigates of 44, and

one of 36 guns; all authority under the preceding act having ceased with the cause that produced it; and appropriated the unexpended part of the previous appropriation of 688,833 dollars, and of 80,000 dollars appropriated for gallies. The same act directs that "such parts of the perishable materials as may not be wanted for completing the three frigates" shall be sold, and the surplus of the other materials safely kept for the future use of the United States.

No further appropriation was made until the first of June, one thousand seven hundred and ninety-six, when, 5,000 dollars were appropriated for the pay and the subsistence of three captains.

On the third of March, one thousand seven hundred and ninety-seven, 5,000 dollars were appropriated to a like purpose, and 172,000 dollars to finishing the frigates United States, Constitution, and Constellation.

These appropriations appear to have been made entirely with a view to prevent the United States from incurring any serious loss from the progress made in building the ships of war: Three of them were in considerable forwardness. These were directed to be finished, and an appropriation made for the pay of their captains who had a large share in superintending their construction.

In these successive acts we behold strong, and what may be considered indisputable evidence of the state of public opinion from the years one thousand seven hundred and eighty nine, to one thousand seven hundred and ninety-seven, and of the opinion of the general government during the whole of the Washington administration, which terminated on the very day on which the last appropriation law was passed. Other contemporaneous evidences to this effect are not wanting; among which that which contains the most precise and

pointed application will be found in a report made to congress by Mr. Wolcott, secretary of the treasury, in December one thousand seven hundred and ninety-six. The subject of the report is the imposition of a direct tax, which is preceded by a view of the demands likely to be made on the government for a number of succeeding years.—Among these demands, Mr. Wolcott estimates two millions as necessary for the military and naval departments, including pensions; and adds "If it shall be found that the expenses of the military and naval departments cannot be reduced below the above estimate, which, *though much to be desired, is far from certain*, the foregoing calculation (embracing other objects) will fall short of the real expense; it being morally certain, that the expenses of civil government will hereafter considerably increase."

Here then we have the unequivocal declaration of Mr. Wolcott, a citizen of Connecticut, a federalist, the successor and disciple of general Hamilton, and the confidential officer of general Washington, that it was much to be desired that the military and naval expense should be reduced below two milions; the greater part of which being required by the army, leaves less than a million for naval purposes. The inference is by no means, forced, that general Washington held the same opinion and had actually revised the report of the secretary before its submission to congress.

These were the sentiments and measures of the WASHINGTON administration.

During the ensuing year Washington retired into private life: and in the farewell advice he gave, stamped with every mark of deliberation and wisdom, it is not a little remarkable that not a word is to be found on the subject of a navy. Is not his silence, on this solemn occasion, conclusive evi-

dence of the little importance he attached to the institution?

Such are the sentiments which prevailed, and the measures that were adopted, during the first eight years of the government under the presidency of general Washington. It is important here distinctly to state that the whole appropriation for naval purposes during this period was 950,000 dollars.

On the third of March, one thousand seven hundred and ninety-seven, Mr. Adams, borne on the tide of the prevailing politics, took the chair of state.

It is unnecessary to exhibit a detailed statement of the events that ensued. They are doubtless fresh in the recollection of the reader. The legislature and executive pushed forward, with equal zeal, the naval armament; many of the evils of war actually befel us, and all its complicated horrors stared us in the face. Without entering boldly into a state of war, by which we should have profited of its benefits as well as injuries, we were wasting, in an alarming degree, the resources which ought to have been husbanded for the last resort. In the short period of four years above ten millions were appropriated to the navy.

Thus stood affairs on the third day of March, one thousand eight hundred and one, the last day of Mr. Adams's administration, when a federal congress passed a law for reducing the navy to thirteen frigates, of which six were directed to be kept in constant service, and the others to be laid up in ordinary. This measure was adopted on the express declaration of Mr. Stoddert, communicated by the President to congress, that "should the United States be so fortunate as to terminate by an honorable treaty, the differences with France, it would be good economy to sell all the (other) public vessels."

In obedience to this act, the first measure of the new administration was the sale of all the national ships beside the above thirteen frigates.

By the report of Mr. Stoddert made on this occasion, it is computed that an annual sum of 1,295,000 dollars would be requisite for the naval establishment. As it was on, and in consonance with, this report that Congress acted, it may justly be considered as declaratory of the dispassionate views of the federal party.

Let us now compare the measures of the present administration with these views and with the sentiments of the nation.

The sale of the national ships, as we have seen, was a federal measure: for which, therefore, the republican administration is not answerable.

In the year 1802 an appropriation was made of		$ 900,000
In the year 1803		1,244,000
and in 1804		1,650,000
Making together		3,794,000
or the annual average sum of		$ 1,265,000

This sum is so near that estimated as necessary by Mr. Stoddert, that we are justified in considering the ideas of the new administration as perfectly consonant with the *dispassionate* conviction of the old? we say *dispassionate*, as it is manifest that during the fury of the storm that accompanied Mr. Adams through his whole political course, very different sentiments prevailed, and of consequence very different measures were taken. Hence the expenditure of the above ten millions.

The only points remaining worthy of consideration are whether this sum has been adequate to its object; and whether it has been properly applied. That it is adequate results no less from the effects produced than from the opinions just stated. On these opinions it is not necessary to dilate. They

are so plain and express that every mind can understand them. What have been the effects produced? They have been a continuance of peace with Europe, and a protection of the Mediterranean trade from piratical depredation. It is not probably essentially owing to any naval strength of the United States that we have preserved peace with the European nations. It is most likely that we owe it more to the smallness of our navy, and to its employment at a distance. There is not a wise man that will not grant our inability to protect our trade by national ships against the powers of Europe, without incurring tenfold the present expence; there is not, therefore, a judicious mind that will not perceive the folly of creating an instrument inoffensive to our enemies, and only capable of exciting insult and injury, without the means of avenging either. It was under such sentiments that the first armament was established for the exclusive purpose of checking piratical depredation; and for no other purpose can it be continued on its present footing but for this and the protection of our harbours. These ends have been attained, if not fully, at least to as great an extent as could have been expected. The Mediterranean trade has been fully protected. It has been said that the strength in that sea has not been sufficient. But experience proves that it has, inasmuch as in every instance, except the unfortunate loss of the frigate Philadelphia, the Barbary powers have been kept in subjection; and this loss arose entirely from accident.

All the details of our naval armaments have been executed with great fidelity; except in one case, and the public opinion has been fully propitiated on that occasion by the removal of the officer. We need not appeal, in confirmation

of this, to the gallant conduct of a STERRET, or the heroism of a DECATUR. It has become manifest to the world, that the valor of our sailors and the conduct of their commanders are not less distinguished than the valor and conduct displayed in the best established marines. We are told, however, that these officers are federalists. Let it be granted. Is there no merit in continuing them in service? Does not their continuance prove the falsehood of the thousand slanders that charge the present administration with a design to depress and degrade the navy? But it is not true that these men are federalists in the sense given to that term by the opponents of the administration. According to them a federalist is a man who condemns the motives and measures of the existing rulers. So far from this being the case with those brave men, it is a fact, and we record it to their honor, that they have on many recent occasions resented with indignation the calumnies cast on the administration; and it is confidently believed that no head of the department has ever been so popular with the officers as the present secretary.

At one time, it is alleged, that the present chief magistrate is friendly, and at another, that he is hostile to a large navy. Nay, it is alleged, that he has changed his original opinion on this subject. But is it at all important what the opinions of the President are? The constitution has not made him our lawgiver. It does not rest with him to decide the extent to which our navy ought to be carried. He has not officially avowed any opinion on this point. Congress, a *federal* congress, have fixed its size, and he has confined himself as he ought to do, to the execution of their will. If his private sentiments are inimical to a navy, federalists, who profess themselves its friends, ought to thank him for sacrificing his opinion to theirs, and if they

are friendly to it, they ought to rejoice. Or should it be matter of astonishment, that a wider experience had changed his original opinions. Is a wise man, if once in error, destined to an eternal adherence to it?

There are several subordinate points, often the fruitful topics of invective, that might be considered in detail. But this would be without necessity to weary the patience of the reader. We will only further notice, that the naval deposit at Washington, notwithstanding all that has been said to the contrary, has already saved hundreds of thousands of dollars, and that equipments have been made therefrom with greater promptness than from any other navy-yard; and that the plan of a dry dock, so wantonly ridiculed by ignorance, is still worthy of the deliberation of the legislature.

But these are little things; they are points in detail of which few can judge. We do not profess to be learned upon them. But every man of common sense can see that trade has been better protected during the present administration than during the last, that peace has been better preserved, and that less money has been expended in the accomplishment of these great results.

Some notice may, in this place, be expected of the new duties imposed during the last session for the protection of the Mediterranean trade.

The propriety of the appropriation for this purpose has not been disputed. But it is said that the species of taxation resorted to is unjust and unequal; and that the necessity of laying new taxes, is an evidence of the inexpediency of abolishing the internal revenues in the year 1801.

We shall consider the last argument first. Had the internal revenues been continued, it will be allowed, there would have been no occasion for this additional taxation. But, although their con-

tinuance would have superceded this necessity, it does not follow that their abolition was inexpedient. A decision on this point will be elucidated by a consideration of two questions; *first*, whether it was wise to continue *permanent* taxes, without any permanent objects, with the sole view to *contingent* events?—and, secondly, whether the internal taxes constituted a resource preferable to the new duties?

The existence of permanent taxes, without permanent objects, is among the most fatal expedients which the ingenuity of tyranny has ever devised. It destroys the responsibility of rulers to their constituents; it arms them with formidable powers, which may be used in subversion of the peace or liberties of nations; it is destructive of economy; and it is oppressive. Any one of these considerations would be sufficient to establish the danger of this policy; taken in connection they must flash conviction on every man jealous of his rights. That no permanent objects required the continuance of these taxes is manifest from the competency of the residuary revenue to all the regular purposes of the government, the increasing specie balance in the treasury having grown in a space of two years from 2,946,038 to 5,860,000 dollars; and from its further competency to meet all the engagements arising from the Louisiana purchase. The loss of the frigate Philadelphia was in every sense, in which it can be considered, a contingent event; one which no human prescience could foresee, or human prudence avert. To provide, therefore, for such an event, would have necessarily implied a supernatural spirit of prophecy. It was right, therefore, in the year 1801 to repeal the internal taxes. Would it have been proper in the year 1804 to have renewed them in preference to the new duties? To shew the folly of this mea-

sure, it is sufficient to say that the expences of collecting a million, the sum appropriated to protect the Mediterranean trade, would have been about 240,000 dollars, while that attending the new duties will not probably exceed 10,000. In which case the tax instead of being a million would have been twelve hundred and thirty thousand dollars. The difference between these two sums is gained by the nation. Many other arguments of force but little inferior, could be urged; but these alone are strong enough for our purpose.

With regard to the second allegation, that the new duties are unequal and unjust, nothing can be more false. They are laid for the sole purpose of protecting trade. Is it not then just that trade should indemnify the expence? But, it is said that they lay an oppressive burthen on the merchant. How can this be? The tax is not retrospective, but prospective. The merchant may, or may not, according to his sense of interest import the goods that are taxed. If he does import them, he will be reimbursed by the purchaser not only the cost and the duty, but a *profit* both on the cost *and the duty.* This fact is so well understood in the mercantile world, that the enlightened merchant is always friendly to the imposition of *moderate* duties. It is, however, replied, that the addition of the new to the old duties, renders the existing ones *immoderate*, whereby the sale of the goods will be diminished, and consequently the mercantile profit, and smuggling be encouraged, to the injury of the fair trader.

Let us examine whether either of these effects is likely to be produced The *additional* duty is that of two and a half per centum on all goods previously taxed *ad valorem.*

From official documents it appears that the average duty on articles charged ad valorem is 13 and

a half per cent; and that the aggregate amount of the duties received on those articles in the year 1802 was 4,193,472 dollars, and the value of those articles 31,706,161 dollars—The whole amount of importations of that year may be computed at forty-nine millions of dollars; and the duties amount to ten millions one hundred thousand; from which it follows that the value of the articles that paid specific duties was about seventeen millions, and the duties on those articles, averaged about thirty-three per cent. which is more than double the average duty paid on articles charged ad-valorem. This conclusively proves that the addition of two and a half per cent. to the latter does not render it immoderate, inasmuch as it does not create a duty equal to that laid on goods specifically taxed.

With as little justice can it be contended that the additional duty will increase smuggling or diminish the profit of the fair trader by diminishing the sale of the goods taxed. To shew this, it must first be proved that those articles on which a higher duty is at present paid are smuggled, or that their sale is diminished. This has never been said.

The fact is that these new duties are among the most equitable that have been laid. They will operate principally as a tax on luxury, thereby favoring the poor, and they will serve in some measure, to equalise the whole mass of duties. By the late system, some of the most important, and even necessary articles of consumption are taxed exorbitantly. For instance, brown sugar pays a duty of between forty-five and fifty per cent. Spirits pay a duty of about thirty-five per cent. Salt pays a duty of above sixty per cent. Wines pay a duty of thirty-three per cent. And Teas pay a duty of one hundred per cent. The duties on these arti-

cles average nearly fifty per cent. and amount to above 4,800,000 dollars, which exceeds by six hundred thousand dollars the whole sum derived from articles charged ad-valorem.

Having seen the manner in which the Financial, the War, and the Navy departments have been conducted, we are brought to a view of the operations of the DEPARTMENT OF STATE, more important, perhaps, in their effects than all the others. It is these operations that try the talents of the government, not on the limited theatre of the United States, but on the extensive theatre of the world. It is to them that we are indebted for the wise treaties framed, for the impolitic treaties avoided, for the faithful execution of those that exist, for averting all just cause of complaint to foreign nations, and for the consequent preservation of peace and prosperity. In these operations, the President is understood to participate as well in detail as in the outline; and although many of the subordinate measures are frequently taken by the Secretary of the department without his advice, yet it is most consonant to the spirit of the government to consider him, equally with the head of the department, answerable for all its measures.

When Mr. Jefferson was elected President, he found the public opinion much divided on the extent to which prudence required the carrying our foreign relations. On the one hand, the commercial part of the community, with a view to their own aggrandisement, espoused their extension to a very great length. Viewing the vast ascendancy of men of their profession in England, from which country many of them had recently emigrated, and with which they were united by ties of interest, relationship and friendship; influenced by a blind spirit of imitation, they sought, in the conduct of that nation, models for the United States, without

reflecting on the dissimilar situation of the two nations.

This class of men, though powerful from their wealth and numbers, would probably have but little influenced the national sentiment, had they not been joined by a body of citizens of no mean talents, who, from habit, prejudice or principle, were solicitous to draw the United States into a close imitation of Great Britain. This body was composed of men of advanced age, whose early associations and feelings had made them the strenuous advocates of the British system, and whose sentiments had become too confirmed, at the era of independence, to undergo any radical change, and of those, who from principle or ambition, were desirous of gradually building up a system of government more energetic in the Executive than that of the United States—This last description of men have generally denied their attachment to monarchy; but there is not a doubt that their principles necessarily lead to this result.

On the other hand, the great agricultural and manufacturing interests were hostile to an extension of our foreign relations—They believed that their own prosperity, and consequently that of the whole country, depended upon peace, and that peace depended upon our avoiding all unnecessary entanglements with European nations. Perceiving the invariable connection between extensive warlike establishments and the subversion of liberty, they were anxious to insure the latter by avoiding the former.

According to the preponderance of these conflicting sentiments the complexion of the government had from its commencement varied; until, at length, parties were consolidated, and the federal side uniformly advocated, and the republican opposed the extension of our foreign relations. Dur-

ing the Presidency of General Washington there was but a small extension. It was during that of Mr. Adams that it became most alarming. Large appropriations were made for new embassies, and many indications exhibited of a settled plan to make the United States a party in the bloody scenes and ceaseless collisions of the old world.

It was the feeling, excited by these measures, that in a lively degree produced the extrusion of Mr. Adams from the government, and the introduction of Mr. Jefferson. The sentiments of both these men were well known. It was known that the one was as hostile, as the other was friendly to extending our foreign relations. Whatever may have been the previous temper of the people, it became unequivocally marked by the elections of 1800; and Mr. Jefferson entered into office, under an obligation, resulting no less from a clear indication of public opinion, than from a respect to his own sentiments, to avoid all unnecessary compacts with foreign powers.

It would open a wide discussion to enquire whether these impressions are sound. It it believed, however, if there be any political principle applicable to the United States, capable of demonstration, it is that it becomes her to stand aloof from foreign connections. Such was undoubtedly the solemn and deliberate decision of Washington, after administering the government for eight years. In his farewell address this conviction is expressed in an elevated tone of affection.

"The great rule of conduct for us," says he, "in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

"Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations of her friendships or enmities.

"Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off, when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality, we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

"Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?

"It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronising infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let these engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

"Taking care to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

"Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a suitable course, to define the rights of our merchants, and to enable the government to support them, conventual rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard."

Such is the emphatic advice of our departed friend; in correspondence with which the present chief magistrate, on his induction into office, enumerating what he considered the essential principles of our government, and such as ought to shape its administration, declares as one, "peace, com-

merce, and honest friendship with all nations, entangling alliances with none."

This is the cardinal point of the present administration with regard to our foreign relations; and it ought to be the cardinal point of every administration that aspires to the honor of being denominated republican.

To prove this, it is only necessary to take a concise view of the state of our foreign relations when the present administration came into office, and to compare it with their present situation.

During the stormy period of Mr. Adams's presidency, we were in a state bordering on war with the two most powerful nations of Europe, and through them, with many of the minor powers. This was, in a great measure, the effect of the British treaty, which, while it failed to secure us the amity of Britain, drew upon us the resentment of France. In consequence of this embroiled state, the warlike measures of the government, during the four years of his administration cost the United States about eighteen millions of dollars. Near the expiration of his presidency a treaty was formed adjusting our differences with France.

This treaty has been observed with good faith, as have also all our engagements with other powers. Under this treaty, and the inexecuted treaty with Great Britain, various objects of great importance remained to be settled, which indeed, under the latter had been for some time entirely suspended. On the adjustment of these depended the recovery of large sums due to our citizens, and the assertion of rights which had accrued to us from the stipulations into which we had entered. To have failed in the attainment of these, would have been to have sacrificed the just claims of our citizens, and to have compromitted the dignity of the government; by which the harmony between those

nations and the United States would have been disturbed to probably a dangerous extent.

The administration has been charged with an extravagant friendship to France, and an inveterate hostility to Great Britain; with a settled purpose of courting the favor of the one, and of exciting the enmity of the other. Were this a fact, a golden opportunity presented for the gratification of this disposition when they came into power. The recent treaty formed with France might have been seized as the pledge of a renewal of old friendships, and have laid the foundation for a commercial treaty interweaving the interests of the two nations. The dark aspect of our affairs with Great Britain, and the uncertain issue of depending negociations, would have furnished a plausible pretext for an alliance with France, in order the more effectually to coerce Britain into the adoption of just measures towards us. While, on the other hand, the inexecution of the treaty by Britain might have been embraced as justificatory of a stern demand on our part, which, addressed to her pride, would scarcely have failed to produce a reply frustrative of all conciliation. The step, from this state of things, to war, would have been easy and natural.

This course not having been pursued is irrefragable proof that the motives ascribed to the administration were false.

One of the first measures of the administration was the suspension of the embassies to Berlin and Lisbon. Whatever may have been the object of these appointments, their natural tendency was to engage the United States in the competitions and quarrels to which Prussia and Portugal were exposed. With the former we had no commercial relations that justified the nomination of a minister, and the little consequence of the other nation in the scale of Europe rendered her the least worthy of

preference. In addition to these considerations, many circumstances attending the formation and progress of these missions excited a well founded alarm that they were principally intended as a cover to political negociations with other powers. Be this as it may, their abolition was sufficiently justified by their uselessness, and experience has fully confirmed the measure, not the slightest injury having arisen from it.

It has been attempted by the opponents of the administration to make them answerable for the dereliction of the claims of our merchants on France for the spoliations committed on their property; but the facts attending this transaction prove that the whole merit or demerit of this act is ascribable to the preceding administration and its friends.

On the 15th of July 1797, Mr. Pickering, in the name of Mr. Adams issued instructions to the ministers appointed to negociate an adjustment of our differences with France. In these instructions, after dwelling at considerable length, on the claims of our citizens, he adds,

"All these just demands of our citizens will merit your attention. The best possible means of compensation must be attempted. These will depend on what you shall discover to be practicable in relation to the French finances. But an exception must be made in respect to debts due to our citizens by the contracts of the French government and its agents, if they are comprehended in any stipulations; and an option reserved to them jointly or individually, either to accept the means of payment which you shall stipulate, or to resort to the French government, directly, for the fulfilment of its contracts."

"Although the reparation for losses sustained by the citizens of the United States, in consequence of irregular or illegal captures or condemnations, or

for forcible seizures or detentions, is of very high importance, and is to be pressed with the greatest earnestness, yet it is not to be insisted on as an indispensable condition of the proposed treaty. You are not, however, to renounce these claims of our citizens, or to stipulate that they be assumed by the United States as a loan to the French government."

The envoys repaired to France, and the mission, it is well known, proved abortive. On the 3rd of April, 1798, the President communicated to the two Houses of Congress, a copy of his instructions given to the envoys and of their dispatches. This communication was read with closed doors. In the House of Representatives a motion was made to publish it; but this was deemed so imprudent by that body that the motion received the votes of but a few members. The friends of the administration, as well as its enemies, concurred in the opinion, that while our differences remained unadjusted, it would be unwise to apprise our enemy of the extent to which, in order to insure an accommodation, our commissioners had been instructed to go. It would have been well if this caution had guided the deliberations of the Senate. But that assembly, actuated by the sole motive of vindicating and justifying the measures of the Executive, and of holding up to reprobation the conduct of France, to the surprise of the House and of their country, at the very moment when the House, impelled by more magnanimous sentiments, had determined to maintain the secrecy of the communication, ordered it to be printed. By this spirited act, said their apologists, we will shew our countrymen that the Rubicon is passed: the timid accents of conciliation shall no longer annoy us. With this temper, Mr. Tracy announced the policy of waging a war of extermination, in which every man, woman,

and child in America, should be engaged against every man, woman and child in France; and, with a similar temper, the sedition act threatened with incarceration, and the alien act with exile, the person of every man that dared to impugn the motives of the government.

Thus stood the affairs between the two nations until a wandering impulse of patriotism induced Mr. Adams to name another embassy to France. What were the instructions given on this occasion do not appear. We may, however, reasonably infer that they did not materially differ from those we have already quoted. With such instructions, what could our envoys do? Had they demanded a full reparation for spoliations, as a part of the treaty, would not the vigilance of the French government have confronted them with the previous declaration of Mr. Adams that it was "*not to be insisted on as an indispensable condition of the proposed treaty.*" The declaration, by the highest authority, must be considered as a virtual abandonment of the claims; for it admits the formation of a treaty of friendship with France without any recognition of the obligation of the French government to satisfy them; and leaves this adjustment entirely to the chances of futurity.

Thus tramelled, our envoys did their best. They negociated a treaty, in which they did all their instructions required. They did more. They not only steered clear of a renunciation of the claims, but also paved the way to their ultimate adjustment by their recognition in the following stipulations:

"Art. 2. The Ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of sixth February, one thousand seven hundred and seventy-eight, the treaty of amity and commerce of the same date,

and the convention of the fourteenth November, one thousand seven hundred and seventy-eight, nor upon the indemnities mutually due or claimed; the parties will negociate further on these subjects at a convenient time, and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows: &c."

"Art. 5th. The debts contracted by one of the two nations with individuals of the other, by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two states. But this clause shall not extend to indemnities claimed on account of captures or confiscations."

This treaty, containing these stipulations, was laid before the Senate by Mr. Adams in the winter of 1800—1. That body, then decidedly federal, refused to advise the ratification of the treaty unless the second article was expunged. To prove this beyond all question, we shall give the votes on that occasion.

Messrs. Armstrong, Bingham, Chipman, Dayton, D. Foster, Hillhouse, Hindman, Howard, Lattimer, J. Mason, Morris, Paine, Read, Ross, Schureman, Tracy, and Wells, *voted for striking out the second article:* and Messrs. Anderson, Baldwin, Bloodworth, Brown, Cocke, T. Foster, Franklin, Greene, Langdon, Livermore, Marshal, S. T. Mason, and Nicholas, voted against it.

The expunging this article was equivalent to the abandonment of the claims of our merchants for spoliated property; it being well established that silence respecting any claim existing at the formation of a treaty amounts to a relinquishment of it.

Independently however of this construction of treaties, the 5th article, which forms a part of the treaty as ratified, expressly declares that that clause "shall not extend to indemnities claimed on account of captures or confiscations."

In this sense the treaty was understood by the French government, when received by them for ratification, as they declare in that very act; the expression is *bien entendu*, it being well understood that by the retrenchment of the second article the two nations renounce the respective pretensions that are the objects of it. Returned to the Senate, with this ratification on the part of the French government, that body decided that it ought to be considered as fully ratified. On this occasion all the federal members, excepting Messrs. Wells, Hillhouse, Chipman, and D. Foster, voted in the affirmative. And their vote would seem, from the open avowal of their sentiments, to have arisen from an indisposition to any treaty whatever with France.

This treaty with France has been faithfully observed; so faithfully that even the misconstruction of party has raised but a solitary clamour, and this not so much on account of any failure of duty towards France, as from an alleged excess of it. The case alluded to is that of the Berceau, the facts relative to which are these:

On the fifth of April, Mr. Griswold offered a resolution that the secretary of state be directed to report whether the sum of 32,839 dollars and 54 cents, expended in the repairs put upon the corvette Berceau, before the delivery to the French Republic, was made to equip her for the service of the United States, or for the purpose of delivering her in good condition to the French Republic, in conformity to the stipulations of the convention with France.

As the measures of the executive on this subject have been variously represented, it may be proper concisely to state them.

On the 30th of September 1800, a convention was entered into at Paris by the commissioners of the United States and France restoring true and sincere friendship between the two nations, the third article of which directed that the public ships which had been taken on one part and the other, or which might be taken before the exchange of ratifications, should be restored. In the month of the ensuing February the Senate advised a ratification of the convention under certain terms, which it was not believed would be objected to by France. Previously to the signing of this instrument, on the 12th of October, 1800, the Berceau, a French national ship, had been captured by an American frigate, and condemned as legal prize on the 17th of November. On the 19th of December, 1800, Mr. Stoddert, the secretary of the navy, directed his agent at Boston to cause her to be purchased for the United States, and afterwards to have her placed where she would be secure, with just as many men on board as should be necessary to take care of her; but to make no repairs. In obedience to these instructions she was dismantled on the 30th of December; and on the 15th of January, she was bought in by the navy agent for 13,349 dollars. In March the French commercial agent represented to the secretary of state the destitute state of the French prisoners taken on board the Berceau, no funds having been provided by France for their relief, and requested advances, reimbursable by his government. In consequence of this representation, the secretary of the navy instructed his agent to furnish each person, before his delivery, with such cheap clothing as should be sufficient, with what he had, to make him comforta-

ble—and to pay each officer, to enable the discharge of contracted debts, two dollars a week for the whole time he had lived at his own expence.

On the 19th of March, the French Chargé des Affairs, Mr. Pichon, addressed a letter to the secretary of state, stating that the First Consul, desirous of removing the remembrance of all differences had not waited for information whether the government of the United States would ratify the convention, before he performed those stipulations which were to have effect from the date of its signature; and that, reposing entire confidence in the United States, he had given instructions calculated not only to insure full justice for the past, in a manner consonant to the obligations of the convention, but also to prevent in future, unauthorised measures towards the commerce and navigation of the United States, either on the part of the administration, or of individuals. Mr. Pichon expresses a strong assurance that the modifications of the convention will be accepted by the First Consul, and concludes by attracting the attention of the secretary to that part of it, which relates to the restitution of national ships, among which he notices the Insurgente, a French captured frigate, intimating the probability of her being lost, and expressing his impression that it would appear reasonable to the President to restore her, or an equivalent, to the Republic

On the twentieth of March, the executive, animated by the same sentiments, expressed by the French government, came to a determination to restore the Berceau; and accordingly on that day the Secretary of the Navy gave the following directions to his agent:

"The French national ship the Berceau, captured by captain Little, is to be restored under the treaty.

"You will please to cause her to be delivered, with all her guns, ammunition, apparel, and every thing belonging to her, to the order of Mr. Pichon, commissary general and charge des affaires, from the French government to the government of the United States, whenever such orders shall appear.

"This business should be done as if no reluctance accompanied the restoration. We are now at peace with France, and we should act as if we returned to a state of amity with pleasure. Let there be no cause of complaint against the government or its agents."

On the first of April, further instructions were given by the Secretary. He says:

"I have to request that you will be pleased to ascertain without delay the state the French national ship Le Berceau was in at the time of her capture, as to her armament, stores and provisions, and to cause her to be put in the same condition before she is delivered up to the French government."

On the 24th of June the navy agent addressed the following letter to the secretary:

"On Monday the 22d, the corvette Le Berceau was delivered to the commissary of the French government, and the captain at the same time took charge of her. At the request of the commissary and captain, and from the necessity of the case, I have furnished some articles which may not have been on board at the time of the capture, such as hammocks, blankets; and if then on board, they were retained wholly or in part by the crew. The captain now wishes to be furnished with silver spoons, plated ware, china, &c. for his cabbin. These I cannot provide without your special directions, as I do not suppose they were on board at the time of the capture. The commissary is wil-

ling on the part of his government, to engage to pay for all articles supplied, that probably were not then on board the corvette."

Subsequent letters from the agent state the repairs made to have amounted to 32,833 dollars 54 cents; in one of which he says:

"I have presumed it was the meaning of the instructions, though not fully expressed, that the corvette should be restored, in all respects, to the condition she was in immediately anterior to the commencement of the action with the Boston. I have therefore endeavored, in directing the repairs and furnishing the supplies, to be governed as far as possible by this principle, which I made known to such of the principal workmen employed in the repairs as appeared to be expedient. But an adherence to the rule, with a few exceptions, was soon found impracticable, but every departure produced an expence to the United States; for example, the stays, shrouds, and all the cordage, were unavoidably replaced with the new for the old. The rule of course was violated, as the old was not worth more than two thirds the price of new. The corvette was in this respect therefore placed in a better condition than she was at the commencement of the action; but the United States lost by it the difference in the value of the new and the old cordage. This was also the case with her sails, with her masts, spars, tops, and caps; with the carpenters, work, with the iron work, and with many other supplies too numerous to be detailed here. Her stores, &c. thus furnished, may, I presume, be estimated to be worth on an average, thirty per cent. more than the stores they have replaced."

On this topic three charges have been raised. 1. That the repairs and delivery of the Berceau were made before the definitive ratification on the part of France; 2. that the price paid for them

was extravagant; and 3. That the expence was incurred without any appropriation. The first charge is not denied; but it is contended that in an affair, so important, as returning peace between the two nations, it was the duty of the government to relax, in some degree, the rigor of the law, particularly when such relaxation on our part was accompanied by one equally great on the part of France. We gave up the Berceau only for an equivalent. Our vessels to a much greater value were released. So that, had the well founded expectations of the government, as to the ultimate ratification of the convention, been disappointed, we should still have been gainers.—That the price of the repairs was extravagant has never been proved. That they may have been made on a scale of liberal policy is probable. The instructions of the government were that they should be made in such a way as to furnish "no cause of complaint against the government or its agents." To have pursued a different course would have manifested a spirit of pusylanimous avarice, so infatuated as to sacrifice ultimate *millions*, for present peace, and would have implied a destitution of all that knowledge that is essential to protect the great interests of nations. What was thirty two thousand dollars to the friendship of a great nation?

But it is contended that the expence was incurred without any appropriation. To this it has been satisfactorily answered that two funds existed at the disposition of the government; one for the purchase and repairs of vessels for our own navy; and another, for carrying treaties into effect. The repairs of the Berceau were made either with a view to her forming part of the navy, and if so, a liberal appropriation had been made by the creation of the first fund; or they were made, with a view to her delivery to France under the stipulations of the

French treaty; and if so, the second fund was appropriated to this among other purposes. But it is insisted, that in this case, the treaty not being completely ratified, the general appropriation for carrying treaties into effect did not apply. This argument, however, by attempting to prove too much, proves nothing. The truth is, that the rigid observance of forms that apply to individuals do not always hold good as to nations. It is of infinite importance to hasten the effects resulting from a state of returning amity. The propitious season should be seized, and the enthusiasm excited by such an indication should be made use of as one of the best instruments for carrying all the necessary arrangements into operation. Hence governments, mutually confiding in each other, often pursue those measures immediately after an agreement to preliminary articles, which are in strictness only required subsequent to their final ratification. In particular cases, some steps are indispensable; especially where armies have been recently engaged. When, therefore, government has full confidence in the final ratification, they have a right, as to all these purposes, to use the funds appropriated generally to carrying treaties into effect. Where is the authority that decides that preliminary articles do not constitute treaties? In some respects, they unquestionably do.

The vast importance of maintaining a good understanding with France will appear hereafter when the Louisiana treaty is considered.

The British treaty, notwithstanding the low estimation in which it was probably held by the members of the new administration, was likewise executed with scrupulous good faith. On this topic not a murmur of discontent has been heard. We have seen that the provision of that treaty that related to the recovery of mutual claims against

the two governments had been suspended during the Presidency of Mr. Adams. The conduct of the negociation, for removing the differences that gave rise to this suspension, devolved on Mr. Jefferson. Had the new administration desired to extend the differences between the United States and Great Britain, they had again the fairest opportunity. The pretensions of England were arrogant; the claims of America were founded in justice; while then the latter were demanded, the former might have been rejected. But a far different course was pursued. The spirit of Mr. Jay's treaty was consulted, and it was manifest, with whatever justice, that it contemplated a liberal satisfaction of British pretensions, as well as a full compensation of American claims. This spirit was adhered to: the existing train of negociation was not disturbed; measures were even taken to accelerate it: in consequence of which the American merchant has received a satisfaction for such claims as have been allowed by the appointed tribunal; and a gross sum has been paid to the British government which has assumed the claims of its own subjects against the United States.

It has been said that the present administration is hostile to the mercantile interest, and delights in their depression. Were this true, would they not, in this instance, have taken a different course? By rendering the negociation abortive, they would have sacrificed the claims of the merchants, to the amount of near six millions of dollars, and would have avoided the payment out of the national treasury of near three millions, for which the whole nation is taxed. This would have been a severe blow against that interest, inasmuch as while it virtually inflicted on our merchants a loss of six millions, it would have relieved the nation from three millions, which they have agreed to pay.

The effects of the scrupulous good faith with which this treaty has been observed are conspicuous. There subsists an honorable confidence between the two nations, between whom, there previously existed hostile distrust. This confidence has not only indicated itself in acts of a negative character, arising from the abstinence of England to injure the commerce of the United States, but it has also manifested itself in several acts of positive benefit.

There are strong reasons to believe that these amicable sentiments have been efficaciously improved to produce an impression on the British government of the interest of that nation, by a deportment of justice, to cultivate the good will of a nation at present next in mercantile importance to herself, and destined at no remote period to attain a superior rank. Hence those important relaxations of her navigation act which we have recently experienced, and the unprecedented exemption of our seamen from impressment. We say unprecedented. For notwithstanding the criminal outrages recently committed before New-York, the aggregate number of impressments is greatly reduced; and if the public prints are to be relied on, an honorable disposition has already been manifested on the part of the British government to make amends for these unauthorised aggressions.

Mr. Jay's treaty has, it is true, been permitted to expire. But the very circumstances attendant on this event prove the friendly sentiments entertained by England; since without a commercial treaty, we remain in the enjoyment of all the privileges we possessed with one; so much so that the expiration of the treaty has not produced the least sensible effect on the trade between the two countries.

What part, or whether any of that treaty will be renewed, we pretend not to say. The conjecture, however, that several of its provisions, containing limitations on the commercial rights of our citizens, will be rejected, may be rationally indulged. However ready we may be to facilitate the honest intercourse of our citizens in the promotion of their lawful concerns, we trust, and confidently believe, that a wise administration considering itself charged not only with the immediate but also the eventual welfare of America, will abstain from doing any thing which shall sacrifice the one to the other.

The people have not forgotten the zeal and wisdom with which those who compose the administration, and particularly the chief magistrate, defended the neutral rights of the United States, and more especially the great principle that free ships make free goods They have perceived, through the whole of his political career, a resolute purpose to maintain those rights and this principle inviolate. While they have condemned the wanton departure made from it by preceding administrations, they have rejoiced to see a consistency between the professions and conduct of those now at the head of their affairs.

Nothing, on this point, can be more true than the language of the American Envoys, appointed to adjust the differences with the French republic. "The desire," say they, "of establishing universally the principle that neutral bottoms shall make neutral goods is perhaps felt by no nation on earth, more strongly than by the United States. Perhaps no nation is more deeply interested in its establishment. It is an object they keep in view, and which, if not forced by violence to abandon, they will pursue in such manner as their own judgment may dictate as being best calculated to attain it."

We have dwelt the longer on the aspect of our foreign relations with regard to France and Great Britain, from the conviction that they are the two pivots on which the European world turns. Their power pervades the continent. It hurries it into war or hushes it to peace. Their mighty and turbulent vortices embrace almost every nation of the world, to whom the alternative is only left of sharing the fate of the one or the other. But alas! how little have the latter profited of their participation. With a very few exceptions they have shared a common fate. The blood of their citizens has flowed in torrents, and the resources of their industry, their arts and their trade have been consumed; for what? To raise the false glory of one man, and to consolidate in one nation the despotism of the ocean. Happy had it been for these unfortunate powers, if they had suffered the Leviathans of the world to fight their own battles; and had embraced the golden opportunity of invigorating their resources, while these overgrown nations were exhausting theirs.

This has been the wise determination of America; and it has been her rare felicity to carry this determination into effect. The infatuated councils of one man carried her to the precipice from which so many nations have fallen; but thanks to the Supreme Being, the wisdom of another has snatched her from ruin.

The means of this preservation do not, in all their details, appear. The usage of nations keep them in most cases from the public eye. We cannot, therefore, step by step, pursue the measures of our government in its intercourse with foreign powers. We cannot see the wisdom with which it timed its demands, the spirit with which, at a fit season, it urged, or the prudence with which it appeared for a time to wave them; we

cannot see displayed the happy union of dignity and moderation so important to the harmony of sovereign powers; we cannot see the vigilance which seized all fit occasions, and the talent which made the most of them, to advance, by just means, the interests of our country. These may, perhaps, receive the meed of justice by some future historian, who shall have access to the public records, when secrecy may no longer be useful. But what is most important, we contemplate, so far as time has allowed, their great and happy effects. We contemplate our country prosperous within, and commanding among the nations of the earth a higher estimation than she has ever before enjoyed.

Let it be recollected too that this rare distinction of a young nation has been secured without the surrender of a single right, or the slightest violation of the most punctilious honour. Like other nations, we may not have conquered peace at the cannon's mouth; but we have secured it by far nobler means, by means which God and justice sanction.

With one other nation of Europe we have had some difference. Spain, owing probabably to the feebleness of her power more than to hostile sentiments, suffered considerable spoliation to be committed by private vessels on our trade about the time that similar depredations were committed by France. The remonstrances of our government during the presidency of Mr. Adams having proved unavailing, the new administration were charged with enforcing them. Measures to this effect were immediately taken; with what prospect of success does not appear, when an object of vast importance to the whole of America claimed the attention of the government. This object, the secure navigation of the Mississippi, from its magnitude, justified a superior attention to all others:

and we may well suppose that in its prosecution minor objects for a time received but subordinate regard. The slowness with which the Spanish monarchy acts is well known, and this likewise tended to delay the negociations. Notwithstanding however, these obstacles, they issued in a convention, whose suspension as well as provisions, have been lately so copiously discussed, as to supercede in this place all further notice.

The only hostilities into which we have been drawn are with Tripoli. It does not appear that this rupture arose from the neglect of any means on the part of our government calculated to avert it; and it will be allowed that the war, to which it has given birth, has been pursued with such spirit as completely to protect the American trade, without incurring, until the present year, any expence beyond that requisite for the ordinary naval establishment. Through all its vicissitudes the honor of the American flag has been upheld by the valour and skill of our seamen; and, in a recent instance, their conduct has inspired the respect of the world.

A misfortune, it is true, to which all nations are liable, has befallen us; but we are greatly mistaken if this disaster will not be improved to strike a salutary terror into the pirates of the Mediterranean, and thereby to command a lasting peace.

But that measure which of all others is the most highly appreciated, and which of all others developes a wider exertion of talent and power than any other, is the acquisition of Louisiana. To do this act full justice it is proper to view it as forming a part of the general measures of the administration.

We have seen that the just conduct of the administration had laid the foundation of mutual confidence between the United States and France and England, the leading powers of Europe. Some

of the means by which this difficult and delicate result was insured, have already appeared. We have seen that an honest neutrality was rigidly observed towards both nations, connected with a respectful solicitude to cultivate every friendly relation not incompatible with it. We have seen that all existing sources of dissatisfaction, so far as depended upon the American government, were removed; that treaties formed by a preceding administration were conscientiously executed, and that new stipulations, rendered necessary by unforeseen occurrences, were cheerfully entered into. Other causes of mutual good will are hidden from our view. Every individual, engaged in active life, knows how large a portion of the success with which his plans are crowned depends upon the manner in which he holds an intercourse with those with whom he transacts business. The humblest menial has pride that may be awakened by arrogance, and feelings that may be wounded to resistance. This sentiment, in the intercourse of nations, rules with a ten fold energy. Injuries are often overlooked, but insults are never forgiven. In proportion to the alienating tendency of reproaches and rudeness, is the contrary influence of manifestations of respect and esteem. While these are preserved, however wide the differences between nations, the door of conciliation is kept open. The existing dissentions do not awaken the malignant passions that engender deadly hostility, and produce a wide spread opinion that all prospect of compromise is over. Governments do not assume that ground of jealous pride that disdains to propose terms of accommodation, derogatory to the dignity of an insulted nation. Happy had it been for the peace of the United States if these prudential considerations had had their proper weight during the administration of Mr. Adams. Had this been

the case, the æra of peace would probably have sooner arrived, and millions of national and personal property been saved. Had this been the case, the chief magistrate would not in his official character, have ascribed to the government of France "a disposition to separate the people of the United States from the government; to persuade them that they have different affections, principles and interests, from those of their fellow-citizens, whom they themselves have chosen to manage their common concerns, and thus to produce divisions fatal to our peace." Much less would a secretary of state have been permitted to declare to Congress and to the world that in this way "it (France) determined to fleece us. In this way it gratified its *avarice and revenge*—and it hoped also to satiate its *ambition*. After a long series of insults unresented, and a patient endurance of injuries aggravated in their nature and unexampled in their extent—that government expected our final submission to its will. Our resistance has excited its surprise; and as certainly encreased its resentment. With some soothing expressions, is heard the voice of wounded pride. Warmly professing its desire of reconciliation, it gives no evidence of its sincerity; but proofs in abundance demonstrate that it is not sincere. From standing erect, and in that commanding attitude requiring implicit obedience—cowering, it renounces some of its unfounded demands. But I hope we shall remember "that the tyger crouches before he leaps upon his prey."

Gracious Heaven! is this the language of one of the first officers of our government; of a government that styled the nation over which it presided the most enlightened of the world? But I forbear—my object is not crimination. Would to God, for my own feelings, for the proud feelings

of my countrymen, I could throw a veil over the ferocious sentiments of these ferocious times!

Examine the diplomatic correspondence of the present administration; examine even that correspondence which the lawless depredations of piracy have extorted; you will find no language like this; language, surely not intended, but certainly calculated to convert the civilised world into a wilderness, and to enlist the *hyenas* of the new against the *tygers* of the old world. No! With every nation with which we have had recent intercourse, the language of decision, the demand of justice, the threatened vindication of right, has been accompanied with no rudeness to the government we addressed, with no insult to nations guiltless of offence. Our moderation and dignity of language have inspired our friends with increased affection, and have instilled into the breasts of our enemies a conviction that our eventual dependence is upon actions, and not words. The chief magistrate has been reproached with calling the government of France "*an enlightened government.*" But on what grounds is this reproach sustained? It can only be sustained on three grounds; either that it is untrue; that it is partial; or that it is impolitic. That it is true the state of the whole world attests. When was France so formidable as at this period? Has she an enemy of whom she is afraid? Are not empires shaped by her will? Does not the majesty of kings bow in her dread presence, and whence all these mighty effects but from the superior wisdom of her councils? But the expression has been distorted. It has been made to imply an unlimited encomium on the *internal* measures of her government. It has, however, no such meaning. It can have none such. With this the American government has nothing to do; its whole relationship to France

springs from the measures that unite her with other nations. Nor has this government any thing to do with the conduct of that government to foreign powers, so far as it avoids all interference with our rights. Properly explained, the expression is very narrow. It applies *exclusively* to the conduct of the French government towards us. It also applies *exclusively* to the *present time*. Who is there then that disputes that *this conduct* at *this time* is enlightened?

Is the encomium partial? The same message represents the British government as actuated by honorable sentiments of good will to the United States. Was it impolitic? Let events decide. We have an uninterrupted peace with France; we have more; we have, on several recent occasions, received from her the most effectual aid towards the accomplishment of interesting objects. Why has the dissatisfaction of Spain at the possession of Louisiana vanished? Why have the Tripolitans covered our captive citizens with kindness instead of chains? If a few words, neither untrue nor partial, could have these effects, were they unworthy of the penetrating judgment that dictated them?

It was announced at the commencement of Mr. Jefferson's administration that he was held in contempt by France, and that the English government distrusted him. If so, how much greater the merit of converting these hostile feelings into amicable sentiments?

On the existence of these sentiments, as a foundation, the great negociation respecting the navigation of the Mississippi commenced.

This object had ever been foremost in the thoughts of the President; it may not be incorrect to suppose that its vast political importance no less justified it to his judgment, than his affection

for the people of Kentucky, principally taken from the bosom of his native state, recommended it to his heart. It is certain that it determined the designation of Mr. Pinckney as minister to Madrid.

The strenuous exertions of this citizen in the old congress, in promoting the free navigation of the Mississippi, were not forgotten. It has been said that it was eminently owing to them that the occlusion of the river for a long period was frustrated. What was done at Madrid does not distinctly appear. That a negociation was commenced at an early period is certain; and that this negociation rendered the minds of that cabinet and that of France familiar with the subject is extremely probable. About this period the king of Spain ceded Louisiana to France, under a *secret treaty*. This circumstance attending the cession has been variously interpreted; and in the period of alarm has been construed as evidence of an intention on the part of the French government to disturb the peace of the United States through the means of Spain, who still retained possession of the country. But neither facts nor considerations of policy favor the existence of such a motive. Abundant reason for secrecy is found in the inability of France to preserve the colony from British seizure; and hence it was wisely determined by France not to declare it hers until the peace with England should be better consolidated, or the French marine re-established.

In this state of things on the 17th of October, 1802, the right of deposit at New-Orleans was suspended by the Spanish Intendant.

Two alternatives were presented to us; war, or negociation. For on one point there was no difference of opinion. The government and the nation were equally impressed with the necessity of immediate measures for restoring our violated rights.

The administration clearly perceived the path of duty, and instantly pursued it. The suspension of the right of deposit occurred during the recess of the legislature. The constitution, in the distribution of the powers conferred upon the various departments of the government, gives to congress exclusively the right of declaring war, while it devolves on the President the duty of executing the laws. There are certain acts of one nation towards another that necessarily constitute a state of war between them; but it is not pretended that the suspension of the right of deposit was of the number. Notwithstanding, therefore, that act, the pre-existing state of peace continued. An event may be said to have occurred leading to a state of war; but that essentially differs from war; one is the cause, and the other an effect, which may, or may not occur, and no reasonable mind ever thought of confounding things so essentially different.

It was the duty of the executive to preserve peace, which always exists when there is no war actually declared or waged. This conclusion is sustained by high federal authority, whose orthodoxy will not be disputed. Mr. Hamilton, in defending the proclamation of neutrality, expressly says, "If the legislature have a right to make war on the one hand, *it is*, *on the other*, *the duty of the executive to preserve peace till* war is declared." Again, in the same defence, we find this principle laid down: "*While*, therefore, *the legislature can alone declare war*, can alone transfer the nation from a state of peace to a state of war, *it belongs to the executive power to do whatever else the law of nations*, *co-operating with the treaties of the country*, *enjoin in the intercourse of the United States with foreign powers*. In this distribution of powers, the wisdom of our constitution is manifested. It is the province and duty of the executive to pre-

serve to the nation the blessings of peace. The legislature alone can interrupt those blessings, by placing the nation in a state of war."

Peace is and always has been the predominant desire of the American people; and so solicitous is the constitution to guard it, and so fearful of its being hazarded by the ambition or mistaken policy of any one man, that while it gives to congress exclusively the power of declaring war, it likewise vests them exclusively with all those powers without which war could not be carried on. To them alone is confided the powers—

To raise and support armies, with the prohibition to appropriate money for that purpose for more than two years.

To lay and collect taxes, and borrow money, without which armies could not be maintained.

To provide for calling forth the militia; for what? for the sole purposes of executing the laws of the union, suppressing insurrections, and repelling invasions.

And for all these ends no money can be drawn from the treasury, but on appropriation made by law.

Well then may we affirm, that no President, without a shameful and criminal violation of his oath "to preserve, protect, and defend the constitution," would have dared to usurp the legislative power, and have carried the nation into a state of war. The salutary terrors of an impeachment would have been dead had they not hurled the usurper from his throne.

But he had other duties arising from the obligation "to take care that the laws be faithfully executed." In the language of Mr. Hamilton, it was his duty to do what "the law of nations, co-operating with the treaties of the country, enjoin in the intercourse of the United States with foreign

powers." What were the constitutional means reposed in him for the accomplishment of these ends? None other than negociation. And this was instantly resorted to.

So far then the conduct of the executive is as clear as day-light, as straight as a sun-beam. What he did, the constitution required; that from which he abstained, it prohibited.

At the ensuing session of congress it devolved on congress as the constitutional organ of the government to decide on such measures as were required by the crisis of affairs. The conduct of the Spanish intendant had in the mean time become the subject of explanation between the executive and the agents of the Spanish and French governments; and although there was undoubtedly no adequate motive apparent for his conduct, the strongest assurances were received from the Spanish minister and the French charge des affairs, that it was altogether unauthorised by either the government of Spain or France.

Under these circumstances, and during the pendency of a negociation, the federal side of congress made a vehement attempt to produce a state of war between the United States and Spain, with the prospect of extending it to France. They declared that the dignity of the government and the interests of the people demanded a resort to force; that this would give us immediate possession of our violated rights; that it would be the only effectual mean of their restoration. It was affirmed that the measure was the act of France, whose purpose was to embroil the United States, and who would pursue her purpose with a will as inexorable as fate; that the First Consul had fixed his eyes on Louisiana as the happy theatre of a new career of conquest; and that once possessed of it, he would apply it as a lever to destroy the government, the

liberty and the independence of the United States. Hence it was affirmed, that it became our duty to be before hand with him; and instantly to seize New-Orleans, and plant a strong army there for its defence. Louisiana was painted as a paradise; and its fertile soil, and commanding position in relation to the West-Indies and the Spanish settlements, were held forth as allurements to national cupidity. It was said that nature having decreed to make it ours, it became not a feeble and pusillanimous administration impotently to attempt to over-rule her fiat; that the spirit of our countrymen would possess it, and that a wise policy ought to seize the present as the auspicious moment for gaining it. Its possession would shew the world, that America would not suffer her rights to be violated with impunity; and once posseseed it would insure peace with European nations for many years! All this was said, not in the cool style of a dipassionate mind, but decked out with all the fervid eloquence of overwhelming passion.

But the friends of the administration stood on the rock of justice. With the Roman sage, they might exclaim, *fiat justitia ruit coelum!* They too cordially abhorred the preference of policy to right to listen for a moment to the meretricious allurements of iniquity. Their political creed had not taught them the policy of injustice as the best instrument of interest. They were not unmindful of the parting advice of an eminently good man.*

"Observe, says he, good faith and justice to all nations, cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be that good policy does not enjoin it? It will be worthy of a free, enlightened, and at no distant period, a great nation, to give to mankind the mag-

* *Washington.*

nanimous and too novel example of a great people always guided by an exalted justice and benevolence."

To the honor of a great majority of the representatives of the American people, to the honor of that people themselves, they threw from them with detestation the profligate advice that offered wealth and empire in exchange for justice.

But unfortunately neither the dignity of the government nor the interests of the people required, in this case, a resort to arms.

Let it be recollected that the dignity of the government was, in no small degree, propitiated by the assurance of the agents of Spain and France, that the act of the Intendant was unauthorised, and that there existed the strongest reason to expect its disavowal. Let it also be recollected that the pacific course of explanation and negociation was already commenced. To have used force, before time had been allowed for explanation, would have been not only an abandonment of the course taken by the American government, but would have exposed her to the reproach of violated faith. It would have been said, and justly too, that the pending negociation covered a treacherous design to attack an ally in the unsuspicious moments of security, which we, in commencing the negociation, virtually promised.

The dignity of the American government is founded exclusively and entirely on the promotion of the interests of the people. We shall not, therefore, draw any distinction between them, by considering them apart—They are one and the same. May they ever remain so!

Good advice even from an enemy, should not be disregarded. The advice of Hamilton, given during the discussions arising out of the British treaty, are full of wisdom, so far as it impresses the impor-

tance of preserving peace. There is, it is true, no novelty in it. The same sentiments are to be found in the writings of every good civilian ; but we prefer quoting him, in order to shew that we are not swayed by party motives. If we were, we should recur to other authorities. Among a great deal, said on this occasion, he observes :

" When one nation has cause of complaint against another, the course marked out by practice, the opinion of writers, and the principles of humanity, the object being to avoid war, is to precede reprisals of any kind, by a demand of reparation. To begin with reprisals is to meet on the ground of war and puts the other party in a condition not to be able to recede without humiliation."

" Few nations can have stronger inducements than the United States to cultivate peace. Their infant state in general—their want of a marine in particular, to protect their commerce, would render war in an extreme degree, a calamity. It would not only arrest our present rapid progress to strength and prosperity, but would probably throw us back into a state of debility and impoverishment, from which it would require years to emerge. Our trade, navigation, and mercantile capital would be essentially destroyed. Spain being an associate with Great Britain, a general Indian war might be expected to desolate the whole extent of our frontier—our exports obstructed, agriculture would of course languish ; all other branches of industry would proportionably suffer ; our public debt instead of a gradual diminution would sustain a great augmentation, and draw with it a large increase of taxes and burthens on the people."

" It was therefore in a peculiar manner the duty of the government to take all possible chances

for avoiding war. The plan adopted was the only one which could claim this advantage.

"To precipitate nothing, to gain time by negociation, was to leave the country in a situation to profit by any events which might turn up, tending to restrain a spirit of hostility in Great Britain, and to dispose her to reasonable accommodation."

"By taking the ground of negociation in the attitude of preparation for war, we at the same time carried the appeal to the prudence of the British cabinet, without wounding its pride, and to the justice and interest of the British nation, without exciting feelings of resentment.

"This conduct was calculated to range the public opinion of that country on our side, to oppose it to the indulgence of hostile views in the cabinet, and in case of war, to lay the foundation of schism and dissatisfaction.

"But one of the most important advantages to be expected from the course pursued, was the securing of unanimity among ourselves, if, after all the pains taken to avoid war, it had been forced upon us.

"As on the one hand, it was certain that dissention and discontent would have embarrassed and enfeebled our exertions in a war produced by any circumstance of intemperance in our public councils, or not endeavored to be prevented by all the milder expedients usual in similar cases. So, on the other, it was equally certain, that our having ineffectually exhausted those expedients, would cement us into a firm mass, keep us steady and persevering amidst whatever vicissitudes might happen, and nerve our efforts to the utmost extent of our resources.

"This union among ourselves, and disunion among our enemies, were inestimable effects of the

moderate plan, if it had promised no other advantages."

"But is it unimportant to the real friends of republican government, that the plan pursued, was congenial with that pacific character which is ascribed to it? Would it have been more desirable that the government of our nation, out-stripping the war maxims of Europe, should, without a previous demand of reparation, have rushed into reprisals, and consequently into war?

"However this may be, it is a well ascertained fact, that our country never appeared so august and respectable as in the position which it assumed upon this occasion. Europe was struck with the dignified moderation of our conduct, and the character of our government and nation acquired a new elevation."

"To under-rate our just importance would be a degrading error. To over-rate it may lead to dangerous mistakes.

"A very powerful state may frequently hazard a high and haughty tone with good policy, but a weak state can scarcely ever do it without imprudence. The last is yet our character, though we are the embryo of a great empire. It is therefore better suited to our situation to measure each step with the utmost caution, to hazard as little as possible, in the cases in which we are injured, to blend moderation with firmness, and brandish the weapons of hostility only when it is apparent that the use of them is unavoidable.

"It is not to be inferred from this that we are to crouch to any power on earth, or tamely to suffer our rights to be violated. A nation which is capable of this meanness, will quickly have no rights to protect, or honor to defend.

"But the true inference is, that we ought not lightly to seek or provoke a resort to arms; that in

the differences between us and other nations we ought carefully to avoid measures which tend to widen the breach; and that we should scrupulously abstain from whatever may be construed into reprisals till after the fruitless employment of all amicable means has reduced it to a certainty that there is no alternative.

"If we can avoid war for ten or twelve years more, we shall then have acquired a maturity, which will make it no more than a common calamity, and will authorise us in our national discussions to take a higher and more imposing tone.

"This is a consideration of the greatest weight to determine us to exert all our prudence and address to keep out of war as long as it shall be possible; to defer to a state of manhood a struggle to which infancy is ill adapted. This is the most effectual way to disappoint the enemies of our welfare; to pursue a contrary conduct may be to play into their hands, and to gratify their wishes. If there be a foreign power which sees with envy or ill will our growing prosperity, that power must discern that our infancy is the time for clipping our wings. We ought to be wise enough to see, that this is not the time for trying our strength.

"Should we be able to escape the storm which at this juncture agitates Europe, our disputes with Great Britain terminated, we may hope to postpone war to a distant period. This, at least, will greatly diminish the chances of it. For then there will remain only one power with whom we have any embarrassing discussion. I allude to Spain, and the question of the Mississippi; *and there is reason to hope that this question by the natural progress of things, and perseverance in an amicable course, will finally be arranged to our satisfaction without the necessity of the* dernier resort."

" Citizens of the United States of America ! as you value your present enviable lot, rally round your own good sense! expel from your confidence, men who have never ceased to misadvise you! Discard intemperate and illiberal passions ! Aspire to the glory of the greatest triumph which a people can gain, a triumph over prejudice ! Be just, be prudent ! Listen impartially to the unadulterated language of truth ! And above all guard your peace with anxious vigilance against all the artful snares which are laid for it !"

The greater part of the principles laid down by Mr. Hamilton, are general, and of course applicable to most cases. Where this is not the case, there is so close an analogy between the grounds of our difference with England, and those with Spain and France, that what is said in the one is no less applicable to the other ; with this variation, that the inducements to a pacific course were much stronger in the latter than in the former case ; as the injuries of which we complained in the one case was trifling compared with those experienced in the other. In our controversy with England, our grounds of complaint were a most extensive depredation on our trade, the insolent impressment of and insults offered to our seamen, and the detention, by force of arms, of the western posts, seated in the midst of our country. In the last case, we complained of but one act, which though it invaded an important right, was not so extensively injurious as the British depredations, and did not excite those strong feelings which the invasion of our soil, more than any other cause, must always enkindle.

For the adjustment of our differences Mr. Munroe was specially dispatched to Europe, and particular instructions given to Mr. Livingston.

Events proved the wisdom of the pacific measures of the administration ; for on the 30th day

of April, 1803, a treaty was formed with the French republic, not merely restoring the right of deposit, not merely giving us the sovereignty over New-Orleans, but ceding for fifteen millions of dollars the whole province of Louisiana. So far as this measure tended to insure peace it was complete; and this of itself would have been an ample compensation for the purchase money. But it must not be overlooked that two serious grounds of dissatisfaction with the French government were also eradicated by this treaty; that arising from spoliations upon our trade, and that from our violated rights on the Mississippi. The continuance of either of these might have constituted the germs of war, and certainly would have disturbed a state of amity between the two nations.

It has been alleged by the envy of the opponents of the administration that for this great event we are not indebted to the wisdom of the cabinet, but to the accidental circumstance of a war between France and Great Britain. But even, allowing that this circumstance contributed to recommend to France the cession, which, however, is far from appearing, are we warranted in affirming that the administration did not reckon upon war between France and England as a probable event? Is it not extremely probable that at the time the treaty was formed, information, possessed by them, though not by the public, justified them in viewing it as an event almost certain? The same spirit of envy, in ascribing exclusively to Mr. Livingston, the merit of the treaty, has attempted to depreciate the services of the President and Secretary of State. But of what consequence is it to the nation whether the treaty emanated directly from the chief executive, or from his confidential organs? Is it required by the theory of our government that the former shall himself discharge all executive duties? Is it possible? And does he not fulfil all

his duties by either doing himself, or through others appointed by him, whatever the constitution and laws require? The facts, however, are that the Mississippi navigation has steadily commanded the attention of the executive, and that the securing it has long occupied the deliberations of the cabinet. By what means, it was intended to accomplish this effect, has not appeared. What were the instructions given to Mr. Pinckney, or to Messrs. Livingston and Munroe, is unknown to the public. With what degree then of justice can it be said, while those circumstances are unknown, that the President deserves no credit for the treaty?

The presentation of this treaty to Congress at the ensuing session may be considered as establishing a new political era. Hitherto the executive had claimed an entire command, in participation with the Senate, over the treaty making power. On one memorable occasion the House of Representatives had made a stand against this claim, but the executive, so far as depended upon him, sternly repelled it. On this occasion the chief magistrate unequivocally declared to each branch of the legislature his opinion that the full ratification of the treaty depended on the joint co-operation of both branches. When we reflect on the vast importance of this power, which from its very nature scarcely admits of constitutional restraint, we cannot too highly appreciate the republican moderation of the man who renounced what he considered dangerous to liberty.

This treaty, like every other measure of the administration, was vehemently opposed by the minority. With a temerity, unprecedented, even in the versatile region of politics, they *unsaid* all that they had a short time before so solemnly and eloquently affirmed: and under the talisman of par-

ty, the paradise of Louisiana was converted into a howling wilderness; and in the late nursery of national strength and glory nothing but thorns and thistles and briars were now seen. Let us fly from this degrading spectacle; and in answer to the numerous allegations of party, concisely view the benefits and evils which may be expected from the possession of Louisiana.

In the *first* place, it has averted war with the most powerful nation of Europe, from which we could not possibly have acquired more than the treaty gives us, and in which we should have expended in a single year more than the price of the purchase.

Secondly, we have gained the *entire*, instead of the limited navigation of the largest river in North-America.

Thirdly, we have secured the unmolested enjoyment of a trade, already of great, and every year of growing importance.

Fourthly, we have removed many sources of collision on our frontier, and thereby diminished the only serious causes of future wars that threatened us.

Fifthly, we have acquired the most fertile region on earth, in which we may raise, it is believed, every production of consequence which our wants or comfort require.

For these great results the price paid is murmured at. With what justice the following statement will shew. Of the fifteen millions, 3,750,000 dollars are to be paid to our own citizens for debts due by the French government, and 11,250,000 dollars are to be paid to France at the expiration of fifteen years, allowing in the mean time an interest of six per cent.

Supposing that the whole sum will assume the shape of a loan at six per cent. the United States will have to pay thereon the following sums for fif-

teen successive years, being the amount of interest paid on the principal, calculated in a compound ratio, viz.

In 1804	-	900,000
1805	-	954,000
1806	-	1,011,000
1807	-	1,078,000
1808	-	1,142,000
1809	-	1,210,000
1810	-	1,283,000
1811	-	1,320,000
1812	-	1,439,000
1813	-	1,525,000
1814	-	1,617,000
1815	-	1,714,000
1816	-	1,817,000
1817		1,932,000
1818	-	2,048,000
		20,996,000
When there will be due the principal of		15,000,000
Whole sum paid		35,996,000

According to an official document presented to Congress at the opening of the last session the annual imports of Louisiana then averaged the amount of two millions and a half of dollars, and the exports amounted to about the same sum. This was under the injurious regulations of an arbitrary government. We have already, in some degree, ascertained the effects of a milder government; and we may estimate the imports, without the least fear of exaggeration, at three millions and a half. Should these imports only keep pace with those of the United States generally they will increase at the rate of above ten per cent. a year. But there can be no doubt of their increasing with much greater rapidity. The population of the

western country doubles in five years, and the importations have uniformly in our country increased in a quicker ratio. It will be a very moderate computation to consider them as destined to advance at the rate of fifteen per cent. The average duty paid on imported articles is twenty-five per cent. From these data, it will result, that the following duties will be received.

	Dollars.	*Consolidation of principal & interest.*
In 1804	875,000	
1805	1,006,000	1,934,000
1806	1,156,000	3,206,000
1807	1,329,000	4,727,000
1808	1,527,000	6,537,000
1809	1,755,000	8,684,000
1810	2,018,000	11,223,000
1811	2,319,000	14,212,000
1812	2,666,000	17,730,000
1813	3,065,000	21,858,000
1814	3,424,000	26,693,000
1815	3,937,000	32,231,000
1816	4,526,000	38,690,000
1817	5,200,000	46,110,000
1818	5,984,000	54,860,000
	40,787,000	

The first column exhibits the sums received for duties; the second those sums with the addition of the accruing interest, in order to compare the probable profit with the probable expence; from which it follows that during a period of fifteen years duties will be received, which may be valued at $ 54,860,000

And an expence incurred of 35,996,000

Leaving a profit of 18,864,000

There remains to be considered the incalculable value of from two to four hundred millions of acres.

Viewed then in a pecuniary point of light, this event will be productive of a great national gain.

But we are told that this immense acquisition of territory will destroy the political importance of the eastern states, and is therefore unjust.

It is impossible to do justice to these points without descending into an extensive detail. Not attempting this we shall satisfy ourselves with offering a few considerations that evince the incorrectness of these fears.

The eastern states, viewed in the aspect of their numbers, had, before the cession, lost their comparative importance. In the year 1800, when the present census was taken, they were entitled to thirty-five representatives, while the middle states were entitled to fifty, the southern to forty-six, and the western to ten. It follows that, considering the confederacy as composed of certain great local sections, and the local interests of these sections as under the guaranty of their political power, the eastern section was already greatly inferior to either the middle or the southern. How then can it be said that this section will lose hereafter an importance, which it does not at this time possess. The only local competitors for power will be the middle, the southern and the western states. At present the middle states about balance the southern, and in a few years the western states will rise to an equality. And so far from the power of New-England suffering from these different interests, it will constitute a kind of umpire in their rivalries. The most active rivalries will unquestionably arise between the southern and western states, while there will be no source of jealousy between the

states of the east and those of the west. Add to this the fact that the greater part of the population of the western country will arise out of emigrations from New England; and it will become apparent that the power of the western states, so far from uniting itself with that of the southern states, will be most apt to unite with that of the eastern. In this point of view, if our eastern brethren do really entertain the lively alarms, they express, of their southern brethren, they ought to hail this as the most auspicious event for them, which has ever occurred.

Want of leisure compels me here to suspend my remarks, and to decline the discussion of several interesting topics. The enquiries, which I prescribed to myself, on undertaking a defence of the measures of the administration, have grown in magnitude and importance at every step. Involved as those measures are equally with the present and future happiness of my country, I have not, under the cloak of cool argument, affected an indifference that I did not feel. It cannot be denied that on the success of the experiment now making depends the perpetuity of our republican institutions, and whether the United States shall establish a new era in the world, or shall follow the inglorious track marked by the career of other nations. Should her course be stained by the criminal excesses of power, the cause of human rights will have lost her only efficient advocate on earth; and in proportion to the lofty aspirations of our pride will be the humiliation of our disappointment. We shall fall, and liberty with us, never, no never to rise again.

Should, on the contrary, her path be that of peace, and her ways those of justice, there is not an eminence of security or grandeur which she may not attain.

FINIS.